



Gaston County

Board of Commissioners

COURTHOUSE
325 Dr. Martin Luther King Jr. Way
Gastonia, NC

Chairman Tracy L. Philbeck

Vice-Chairman Chad Brown

Jack B. Brown

Allen R. Fraley

Bob Hovis

Tom Keigher

Ronnie Worley

Tuesday, May 28, 2019

Meeting Agenda

REVISED - Regular Meeting

6:00 P.M.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

MOTION TO OPEN PUBLIC HEARINGS

I. ZONING PUBLIC HEARINGS (Held Jointly with Planning Board Members)

- A. Public Hearing - Zoning Map Change: (Z19-06) Locust Investments LLC (Applicant); Property Parcels: 165874 and 226902, Located at 1168 Miles Rd., Dallas, NC, Rezone from the (R-1) Single Family Limited Zoning District to the (C-1) Light Commercial Zoning District
 - 1. Receive Citizen Comment
 - 2. Resolution to be addressed under Non-Consent (Zoning Matters)
- B. Public Hearing - Zoning Text Amendment: (ZTA19-01) Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 2 (Definitions): Table 2.7-1; Chapter 13 (Subdivision Regulations): Section 13.2(C), Table 13.8-1; Chapter 5 (Permit and Modification Procedures): Section 5.16.1(A)(4), 5.16.1(B)(2), 5.16.1(C); Chapter 8 (Supplemental Regulations): Section 8.2.14.1(A)
 - 1. Receive Citizen Comment
 - 2. Resolution to be addressed under Non-consent (Zoning Matters)
- C. Public Hearing - Zoning Text Amendment: (ZTA19-02) Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 2 (Definitions): Table 2.7-1; Chapter 8 (Supplemental Use Regulations): Section 8.1.8(G)
 - 1. Receive Citizen Comment
 - 2. Resolution to be addressed under Non-consent (Zoning Matters)

(PLANNING BOARD IS EXCUSED TO FIRST APPEARANCE COURTROOM, ROOM 2029 FOR DELIBERATIONS)

II. PUBLIC HEARINGS (Commissioners Only)

- A.** Public Hearing - RE: Commissioner Worley - Budget/Purchasing - To Receive Public Comments Concerning Potential Submittal of an Application to the NC Department of Commerce for a 2019 Community Development Block Grant under the NC Neighborhood Revitalization Program.....6
1. Receive Citizen Comment
- B.** Public Hearing - RE: Commissioner Chad Brown - County Attorney - To Modify Chapter 4, Article VI of the Gaston County Code of Ordinances Concerning Minimum Housing Standards.....7-26
1. Receive Citizen Comment
2. Accept Motion to Approve
- C.** Public Hearing - RE: Commissioner Chad Brown - County Attorney - To Establish an Ordinance Regulating Nonresidential Buildings and Structures (Chapter 4, Article V).....27-37
1. Receive Citizen Comment
2. Accept Motion to Approve

MOTION TO CLOSE PUBLIC HEARINGS

III. BUSINESS AGENDA**A. AGENDA REVISION/APPROVAL**

1. *ADDED: Section V., Item Y - Board Action /Resolution*

B. APPROVAL OF MINUTES

1. To Approve the Minutes of:
- Regular Meeting of March 26, 2019
 - Closed Session of April 9, 2019 NCGS 143-318.11(a)(5)
 - Regular Meeting of April 23, 2019
 - Closed Session of May 14, 2019 NCGS 143-318.11(a)(3)

IV. CITIZEN RECOGNITION (Sign up Prior to Meeting; Speakers Have Five Minutes to Speak on Issue of Choice.)**V. CONSENT AGENDA**

- A.** Commissioner Chad Brown - BOC - Memorial Day Proclamation - To Recognize and Honor Those Who Gave All During Their Military Service to the United States of America, and to Express Our Gratitude to the Fallen Members of Our Armed Services.....38-39
- B.** Commissioner Keigher - BOC - Commendation - To Commemorate the Centennial Celebration of the Gaston Country Club Upon its 100th Anniversary.....40-41
- C.** Commissioner Worley - BOC - Proclamation - To Recognize the 20th Anniversary of the Daniel Stowe Botanical Garden and to Proclaim the Month of June 2019 as Daniel Stowe Botanical Garden Month.....42-43

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- D.** Commissioner Philbeck - BOC - To Dissolve and Delete the Charlotte Regional Partnership from the Appointment Records.....44
- E.** Commissioner Jack Brown - BOC - To Approve an Increase to Family Advisory Board Annual Non-Profit Funding from \$60,000 to \$100,000 beginning in FY20.....45
- F.** Commissioner Philbeck - County Attorney - To Amend Chapter 11 - Offenses and Miscellaneous Provisions, Article I., of the Gaston County Code of Ordinances to Create Section 11.2 to Authorize Gaston County Police Department to Access SBI Databases; To Amend Section 11.1 to Clarify Prohibition of Alcohol on County Property Except as Designated in Chapter 12 of the Code of Ordinances.....46-48
- G.** Commissioner Chad Brown - County Attorney - To Dissolve the Current Housing Appeal Advisory Board and Create a New Gaston County Housing Board.....49-54
- H.** Commissioner Philbeck - County Manager - To Accept Departmental Budget Change Requests as Information.....55-58
- I.** Commissioner Chad Brown - DHHS (Health Division) - To Adopt an Ordinance Approving a Gaston County Health and Human Services Board of Health Rule Prohibiting the Use of Tobacco Products in Local Government Buildings, Local Government Grounds, Local Government Vehicles, Local Government Parks, and Indoor Public Places (Second Reading).....59-66
- J.** Commissioner Chad Brown - DHHS (Health Division) - To Accept and Appropriate Additional Grant Funds Received from the NC Department of Public Safety for the Juvenile Community Program, Strengthening Families (100% Grant Funds - \$7,490).....67-68
- K.** Commissioner Chad Brown - DHHS (Social Services Division) - Proclamation - To Proclaim the Month of May 2019 as Older Americans Month.....69-70
- L.** Commissioner Chad Brown - DHHS (Social Services Division) - Proclamation - To Proclaim the Month of May 2019 as Foster Care Awareness Month.....71-72
- M.** Commissioner Worley - Finance - To Accept as Information the Attached Property Tax Refunds Less than \$100. These Tax Refunds Should be Recorded in the Board's Minutes.(Total Real Property Tax Refunds - \$6,451.99; Total HB20 Refunds - \$2,500.66; Total NCVTS Refunds - \$2,518.60; Total Vehicle Tax Refunds -\$5,019.26).....73-75
- N.** Commissioner Chad Brown - Fire Marshal - To Appropriate Current Year Accumulated Revenues from the Fire Code Fees & Permits Revenue Account to the Fire Inspections Equipment Expense Account (\$4,999).....76-77
- O.** Commissioner Fraley - Gaston Emergency Medical Services - Proclamation - To Proclaim the Week of May 19-25, 2019 as Emergency Medical Services Week in Gaston County.....78-79
- P.** Commissioner Worley - Library - To Appropriate State Aid to Libraries Grant and Approve Carry Forward of Remaining Funds to FY 2020 (Grant Funds - \$226,950).....80-81
- Q.** Commissioner Worley - Police Department - Request to Surplus and Sale 2003 GMC Envoy.....82-84
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- R.** Commissioner Worley - Police Department/Sheriff's Office - Proclamation - To Proclaim May 12 - 18, 2019 as Law Enforcement Week and May 16th as Peace Officer's Memorial Day in Gaston County.....85-86
- S.** Commissioner Worley - Police Department - To Accept and Appropriate Discretionary Funds from the Juvenile Community Programs Section for the JCPC Community Outreach, Juvenile Restitution, Teen Court and Strengthening Families (100% State Funds - \$14,218).....87-92
- T.** Commissioner Keigher - Public Works - To Approve the Qualifications Based Selection of Ramey Kemp & Associates, Inc. and Authorize the County Manager to Execute a Professional Services Agreement to Provide Planning and Design Services for the Lowell Poston Park Sidewalk Connector Project (CMAQ Project C-5606J) Contingent Upon Receipt of NCDOT Approval of Contract Documents. (No Additional County Funds Required).....93
- U.** Commissioner Philbeck - Public Works - To Authorize Nixon Power Services as a Sole Source Provider for a Jenbacher 420 Engine Block and Associated Parts and Service.....94-95
- V.** Commissioner Fraley - Tax Collections - Pursuant to G.S. 105-381, the Tax Collector Requests that the April Tax Refunds be Made. (Real Estate - \$21,379.41; Vehicles and ETC - \$970.36; VTS Refunds - \$5,501.60; Grand Total - \$27,851.37).....96-98
- W.** Commissioner Worley - Sheriff's Office - To Accept Unified Technology Systems as a Sole Source Vendor for the Purchase of Two Smart Boards (\$24,958).....99-100
- X.** Commissioner Keigher - Veterans Services - To Accept and Appropriate North Carolina Department of Military and Veterans Affairs Grant Funds to the Gaston County Department of Veterans Services (100% Grant Funds -\$2,217).....101-102
- Y.** **ADDED/Commissioner Philbeck - BOC - To Revise the Gaston County Board of Commissioners' Regular Meeting Schedule for June, 2019**
.....*Green Sheet Pages (GSP) 102A-B*

VI. ZONING MATTERS FROM PUBLIC HEARINGS (NON-CONSENT)

- A.** Commissioner Philbeck - Planning & Development Services - Zoning Map Change: Z19-06 Locust Investments LLC (Applicant); Property Parcels: 165874 and 226902, Located at 1168 Miles Rd., Dallas, NC, Rezone from the (R-1) Single Family Limited Zoning District to the (C-1) Light Commercial Zoning District.....103-106
- B.** Commissioner Chad Brown - Planning & Development Services - Zoning Text Amendments: ZTA19-01, Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 2 (Definitions): Table 2.7-1; Chapter 13 (Subdivision Regulations): Section 13.2(C), Table 13.8-1; Chapter 5 (Permit and Modification Procedures): Section 5.16.1(A)(4), 5.16.1(B)(2), 5.16.1(C); Chapter 8 (Supplemental Regulations): Section 8.2.14.1(A).....107-123
- C.** Commissioner Philbeck - Planning & Development Services - Zoning Text Amendment: ZTA19-02 Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 2 (Definitions): Table 2.7-1; Chapter 8 (Supplemental Use Regulations): Section 8.1.8(G).....124-130

VII. NON-CONSENT AGENDA ITEMS

- A. Commissioner Worley - Sheriff's Office - Appropriation of Additional Funds to House
Inmates Out of County for March & April 2019 (\$35,768).....131-138

VIII. ITEMS PULLED FROM CONSENT AGENDA**IX. ITEMS ADDED BY MAJORITY VOTE FOR DISCUSSION ONLY****X. APPOINTMENTS**

- A. Appointment List - Current Expiring Terms/Vacant Positions.....139-143

XI. REPORTS**A. Commissioners Committee Reports****B. County Manager's Report**

1. PRESENTATION OF THE FY2019-2020 GASTON COUNTY BUDGET

C. County Attorney's Report**XII. OTHER MATTERS****XIII. ADJOURNMENT**



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Budget and Purchasing Board Action

File #: 19-195

Public Hearing - RE: Commissioner Worley - Budget/Purchasing - To Receive Public Comments Concerning Potential Submittal of an Application to the NC Department of Commerce for a 2019 Community Development Block Grant under the NC Neighborhood Revitalization Program

1. Receive Citizen Comment

STAFF CONTACT

Pat Laws - Grants Administrator - 704-866-3771

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

A public hearing will be held on May 28, 2019 to receive citizen input relating to the housing, community and economic development needs of low and moderate income individuals residing in Gaston County. The County plans to submit an application to the NC Department of Commerce for a 2019 Community Development Block Grant under the NC Neighborhood Revitalization Program. Eligible uses of CDBG funds include: 1) infrastructure and public improvements that support existing housing in a designated area; 2) housing rehabilitation, relocation, substantial rehabilitation, reconstruction, replacement housing, and/or emergency repairs; 3) improvements to public facilities to address special needs; and 4) administration and planning costs.

Orientation Information will be provided at the first public hearing. The Program Administrator(s) will make a presentation which covers: (a) the total amount of CDBG funds available and the competitive basis for award; (b) the range of eligible activities; (c) the planning process and the schedule of meetings and hearings; (d) the role of citizens in the program and (e) a summary of other program requirements, such as the environmental policies, fair housing provisions and contracting procedures.

POLICY IMPACT

N/A

ATTACHMENTS

N/A



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County Attorney

Board Action

File #: 19-190

Public Hearing - RE: Commissioner Chad Brown - County Attorney - To Modify Chapter 4, Article VI of the Gaston County Code of Ordinances Concerning Minimum Housing Standards

1. Receive Citizen Comment
2. Accept Motion to Approve

STAFF CONTACT

Charles Moore - County Attorney

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

Gaston County currently has a Minimum Housing Ordinance, but wishes to improve minimum housing enforcement. One way to improve and streamline minimum housing enforcement is to update the Minimum Housing Ordinance. The general regulations of the existing ordinance remain intact. However, the revised ordinance improves the current ordinance by clarifying the role of the Chief Building Inspector (also known as the Housing Inspector) as well as the appeals board. The ordinance also states with greater specificity what constitutes a violation of the minimum housing code.

POLICY IMPACT

As the revised ordinance must follow state law, the substantive revisions are minor. However, the ordinance is part of a general goal of the County to increase the standards of buildings in the County.

ATTACHMENTS

Resolution and Ordinance



RESOLUTION TITLE: TO MODIFY CHAPTER 4, ARTICLE VI OF THE GASTON COUNTY CODE OF ORDINANCES CONCERNING MINIMUM HOUSING STANDARDS

WHEREAS, Chapter 4 of the Gaston County Code of Ordinances concerns Buildings, Construction, and Related Activities; and,

WHEREAS, there exists ordinances concerning Minimum Housing Standards as established in Article VI of Chapter 4 of the Gaston County Code of Ordinances; and,

WHEREAS, the main changes between the current ordinance and the proposed ordinance include the following: a) clarifying the role of the Housing Inspector; b) clarifying the role and composition of the Housing Appeal Board; c) state with greater specificity what constitutes a violation of the minimum housing code; d) changing the sequence of the ordinances make it more readable; and,

WHEREAS, the purpose of these ordinances is to establish the minimum standards of fitness for the initial and continued occupancy of buildings used for human habitation.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby repeals the Article VI of Chapter 4 of the Gaston County Code of Ordinances and replace with the ordinance as set forth as attached and as filed with the Clerk to the Board.

This ordinance, as filed with the Clerk to the Board, shall be effective immediately upon its adoption.

DO NOT TYPE BELOW THIS LINE

Sec. 4-121. Purpose; Responsibility of owner and occupants.

Pursuant to North Carolina General Statute 160A-441, the Gaston County Board of Commissioners, also referred to in this ordinance as Board of Commissioners, declares there exists in Gaston County dwellings which are unfit for human habitation. These conditions exist due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and other conditions rendering such dwellings unsafe, unsanitary, dangerous, and detrimental to the health, safety, and welfare of the residents of Gaston County.

To address this charge, as authorized by Article 19, Chapter 160A of the General Statutes, it is the purpose of this ordinance to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. 160A-444. This ordinance is not intended to abrogate or limit any other source of authority Gaston County has concerning housing standards or building inspection, including those provisions found in Article 18, Chapter 153A of the General Statutes.

It shall be the responsibility of the owner or contractor to obtain proper building permits and comply with North Carolina State licensing laws and regulations.

Sec. 4-122. Jurisdiction.

These regulations shall govern all residential structures, as defined by the ordinance, within the jurisdiction of Gaston County, as determined by the Board of Commissioners. However, the County may enforce these regulations within municipal jurisdictions through interlocal agreements, provided that any such municipal governing body or the County, upon one (1) year written notice, may withdraw its approval of the Minimum Housing Standards and those regulations shall have no further effect within the municipality. The one (1) year time limit may be waived upon agreement of both parties.

Sec. 4-123. Definitions and terms of construction.

The following definitions shall apply in the interpretation and enforcement of this ordinance:

Appliance shall mean that equipment used for cooking or heating which is hardwired or permanently installed to the dwelling and is considered as real property instead of personal property.

Basement/Cellar shall mean a portion of a dwelling which is located at least 50% underground, having direct access to light and air from windows above the level of the adjoining ground.

Deteriorated shall mean that dwelling may be unfit for human habitation and can be repaired, altered, or improved to comply with all of the minimum standards established by this ordinance at a cost not in excess of fifty percent (50%) of its tax value, as determined by the findings of the Housing Inspector.

Dilapidated shall mean that a dwelling is unfit for human habitation and cannot be improved, repaired, or altered to comply with all of the minimum standards established by this ordinance except at a cost in excess of fifty percent (50%) of its tax value, as determined by the findings of the Housing Inspector.

Dwelling shall mean any building, structure, or part thereof, which is wholly or partly used or intended to be used for living, sleeping, or habitation by human occupants. Temporary housing, as hereinafter

defined, shall not be regarded as a dwelling. The term shall include within its meaning the terms rooming house and rooming unit, as hereinafter defined.

Dwelling Unit shall mean any room or group of rooms located within a dwelling forming a single habitable unit used or intended to be used for living, sleeping, or habitation by human occupants.

Extermination shall mean the control and elimination of insects, rodents or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, or trapping; or by any other recognized and legal pest elimination method approved by the Housing Inspector.

Garbage shall mean the waste resulting from the handling, preparation, cooking and consumption of food.

Gender Words having a masculine gender shall include the feminine and neuter gender.

Habitable Room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes; excluding bathrooms, water closet compartments, laundries, heater rooms, foyers, connecting corridors, closets, and storage spaces.

Housing Board shall mean the Gaston County Housing Board as appointed by the Gaston County Board of Commissioners. Members of the Housing Board shall be composed of members of the Gaston County Zoning Board of Adjustment.

Housing Inspector shall mean the Director of Building Inspections of Gaston County or any agent approved by the Director of Building Inspections of Gaston County.

Infestation shall mean the presence, within or around a dwelling, of any insects, rodents or other pests in such number as to constitute a menace to the health, safety or welfare of the occupants or public.

Lessee shall mean any person or group of persons who, under agreement with the property owner, occupies a dwelling unit for the purposes of living, sleeping, cooking or eating.

Multiple Dwellings shall mean any dwelling containing more than two dwelling units, and shall include, but not limited to, duplexes, apartments, etc.

Occupant shall mean any person living, sleeping, cooking or eating in, or having actual possession of a dwelling, dwelling unit or rooming unit.

Operator/Landlord shall mean any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.

Owner shall mean any person who alone, jointly, or severally with others:

- (1) Shall have title to any dwellings, dwelling unit or rooming unit, with or without accompanying actual possession thereof, or
- (2) Shall be a mortgagor of record for any dwelling, dwelling unit or rooming unit, or
- (3) Shall have charge, care, or control of any dwelling, dwelling unit, or rooming unit, as owner, owner's agent, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the actual owner. Any such person thus representing the

actual owner shall be bound to comply with the provisions of this ordinance, and of rules and regulations adapted pursuant thereto, to the same extent as if he were the owner.

Party or parties in interest shall mean all persons who have interests of record in a dwelling, dwelling unit or rooming unit and persons who are in possession thereof; including, but not limited to the mortgagee.

Person shall mean any individual, corporation, firm, partnership, association, organization, or other legal entity.

Plumbing shall mean and include all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), sewage disposal pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machine, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

Public Authority shall mean any officer who is in charge of any department or branch of the government of Gaston County or the State of North Carolina relating to health, fire, building regulations, or other activities concerning dwellings in Gaston County.

Residential Structure shall mean any structure or combination of structures used for human habitation, which shall include but not be limited to: conventional site-built homes, modular homes, manufactured homes, trailers. Travel trailers and campers shall not be considered mobile homes, unless located on a site for one hundred and eighty (180) consecutive days or longer and intended to be used as a permanent residence.

Rooming House shall mean any dwelling, or that part of any dwelling containing one (1) or more rooming units, in which space is let by the owner or operator to persons who are not husband, wife, son, daughter, mother, father, sister, or brother of the owner or operator.

Rooming Unit shall mean any room, or group of rooms, forming a single habitable unit used, or intended to be used, for living and sleeping, not intended for cooking or eating purposes.

Rubbish shall mean non-food waste materials. The term shall include items such as: paper, rags, cartons, boxes, wood, excelsior rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, and dust.

Supplied shall mean paid for, furnished, or provided by, or under the control of, the owner or operator.

Supplied Facilities shall mean the sink or water basin; toilet or water closet; tub and/or shower stall in a bathroom.

Temporary Housing shall mean any tent, trailer or other structure used for human shelter, which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty (30) consecutive days.

Unfit for Human Habitation shall mean that conditions exist in a dwelling, dwelling unit, rooming house, or rooming unit, which do not comply with one (1) or more of the requirements established by this ordinance.

Working Day shall mean normal working hours and working days for Gaston County Building Inspections.

The following terms of construction shall apply in the interpretation and enforcement of this ordinance:

Terms defined in other codes. Where terms are not defined in this code and are defined in the North Carolina Residential Code, North Carolina Plumbing Code, North Carolina Fuel Gas Code, North Carolina Mechanical Code, or the North Carolina regulations for Manufactured homes, such terms shall have the meanings ascribed to them as stated in those codes.

Terms not defined. Where terms are not defined through the methods authorized by this code, such terms shall have ordinarily accepted meanings such as context implies.

Words having certain meaning. Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit" and "premises" are used in this ordinance, they shall be construed as though they were followed by the words "or any part thereof."

Sec. 4-124. Minimum standards of fitness for dwellings, dwelling units, and manufactured homes.

Standards for dwellings, dwelling units, rooming units, and manufactured homes shall be:

- (a) Every dwelling, dwelling unit, and rooming unit used as a human habitation shall comply with the North Carolina State Building Codes, at the time of construction, and with all standards of fitness for human habitation and the requirements as set forth in this ordinance.
- (b) No person shall occupy, let to another for occupancy, or use as a human habitation any dwelling, dwelling unit, or rooming unit which does not comply with the minimum standards of fitness of human habitation in this ordinance.
- (c) Every manufactured home used as a human habitation shall comply with all applicable codes, at the time of manufacture and with all regulations promulgated by the NC State Building Code Council.

Sec. 4-125. Minimum standards for structural condition.

The following standards shall constitute the minimum standards for structural conditions of a dwelling or dwelling unit:

- (a) Walls, partitions or supporting members, sills, joists, rafters, or other structural members shall not list, lean, buckle, and shall not be rotten, deteriorated, or damaged, and shall not have holes or cracks which might admit rodents.
- (b) Floors or roofs shall have adequate supporting members and strength to be in a condition which is structurally sound and safe for the purpose used.
- (c) Foundations, foundation walls, piers or other foundation supports shall be in a condition which is structurally sound and safe for the purpose used.

- (d) Steps, stairs, landings, porches, decks, balconies, or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse. Any stairs or steps having four (4) or more risers shall have a hand rail. Any decks, porches, landings or balconies thirty inches (30") or more above grade shall have a guard rail.
- (e) Adequate facilities for egress in case of fire or panic shall be provided.
- (f) Interior walls and ceilings of all rooms, closets, and hallways shall be finished of suitable materials, which will, by use of reasonable household methods, promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable occupants to maintain reasonable privacy between various spaces.
- (g) The roof, flashing, exterior walls, floors, doors and windows exposed to the weather shall be constructed and maintained so as to be weather tight and watertight.
- (h) There shall be no chimneys or parts thereof which are defective, deteriorated, in danger of falling, or in such condition or location as to constitute a fire hazard.
- (i) There shall be no use of the ground for floors, or wood floors on the ground.

Sec. 4-126. Minimum standards for basic plumbing, heating and electrical equipment and facilities.

Standards for basic plumbing, heating and electrical equipment and facilities shall be as follows:

(a) Plumbing System.

- (1) Each dwelling unit shall be connected to a potable water supply and to a public sewer or other approved sewage disposal system. All said connections shall be constructed in an approved manner in accordance with existing regulations.
- (2) Each dwelling unit shall contain the following: not less than a kitchen sink, lavatory, tub or shower, water closet, and adequate supply of both cold water and hot water. Water heaters shall be capable of heating water to one hundred and twenty (120) degrees Fahrenheit. All water shall be supplied through an approved pipe distribution system, connected to a potable water supply.
- (3) All existing plumbing fixtures, water lines and sewer lines shall meet the standards of the NC State Building Codes, at the time it was installed, and shall be maintained in a state of good repair and in good working order, adequately protected from freezing.
- (4) All existing required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

(b) Heating System.

- (1) Central Heating Systems. Every central heating system shall have and maintain sufficient capacity to heat all habitable rooms, bathrooms and water closet compartments in every

dwelling unit to which it is connected with a minimum temperature of sixty-eight (68) degrees Fahrenheit measured at a point three (3) feet above the floor during ordinary winter conditions.

- (2) Other Heating Facilities. Where a central or electric heating system is not provided, each dwelling unit shall have adequate heating appliances installed and maintained in good and safe working condition and capable of safely and adequately heating habitable rooms, bathrooms and water closet compartments so as to furnish a minimum temperature of sixty eight (68) degrees Fahrenheit measured at a point three (3) feet above the floor during ordinary minimum winter conditions. In addition, each dwelling unit shall be provided with sufficient chimney, flues, gas vents and/or fireplaces in accordance with the provisions of the North Carolina State Building Codes. Portable heaters are not permitted as a primary source of heating. No unvented fossil fuel burning appliances shall be allowed in sleeping areas.

(c) Electrical Systems.

- (1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two (2) floor or wall-type electric convenience receptacles in each room located on separate walls, and also one (1) electric light switch at each outside entrance, connected in such manner as determined by the National Electrical Code. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one (1) supplied ceiling or wall type electric light fixture, with a switch. Electrical outlets in dwellings which have been ordered by the Housing Inspector to be repaired shall conform to the minimum standards set forth in this ordinance. In bathrooms, water closet rooms, laundry rooms, furnace rooms and kitchens shall have GFCI protected outlets, installed to manufacturer's specifications.
- (2) Every public hall and stairway in every multiple dwelling unit shall be adequately lighted by switched electric lights at all times when natural daylight is not sufficient.
- (3) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the National Electrical Code.

Sec. 4-127. Minimum standards for ventilation.

- (a) Habitable Rooms. Every habitable room shall have at least one (1) window or skylight which can easily be opened, or such other device, such as air conditioning, as will adequately ventilate the room, unless otherwise approved by the Housing Inspector. The window or skylight shall face directly to the outdoors unless otherwise approved by the Housing Inspector.
- (b) Bathroom and Water Closet Rooms. Every bathroom and water closet room shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

Sec. 4-128. Minimum standards for space, use and location.

Room Size. Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the NC State Building Code.

- (a) Cellar. No cellar shall be used for living purposes.
- (b) Basements. No basements shall be used for living purposes unless:
 - (1) The floor and walls are substantially watertight;
 - (2) Every habitable room shall have at least one (1) window facing directly to the outdoors which can be easily opened. If other ventilation, approved by the Housing Inspector, is provided, then window(s) do not have to open. All areas used for sleeping purposes shall meet egress requirements of the NC State Building Codes, at time of construction.
- (c) The window area of every habitable room shall be entirely above the grade except where the window or windows face a stairwell, window well or access way.

Sec. 4-129. Minimum standards for safe and sanitary maintenance.

- (a) Exterior foundation, walls, and roofs. Every foundation wall, exterior wall and exterior roof shall be substantially weather tight and rodent proof, kept in sound and good repair, and capable of supporting the load which normal use would cause to be placed thereon.
- (b) Interior floors, walls, and ceilings. Every floor, interior wall and ceiling shall be substantially rodent proof, kept in sound condition and good repair, and safe to use and capable of supporting load which normal use would cause to be placed thereon.
- (c) Windows and doors. Every window, exterior door, basement, cellar door, and hatchway shall be substantially weather tight, watertight, rodent proof and kept in sound working condition and good repair. All exterior doors shall have an apparatus for opening and closing the door on both sides, a locking mechanism which can be opened from both sides of the door and kept in sound repair.
- (d) Stairs, porches, and appurtenances. Every outside and inside stair, porch, and any appurtenance thereto, shall be safe to use and capable of supporting the load that normal use would cause to be placed thereon, and kept in sound condition and good repair.
- (e) Bathroom floors and walls. Every bathroom floor surface, water closet compartment floor surface, and every tub and shower wall surface shall be constructed and maintained so to be substantially impervious to water and will permit such surface to be easily kept in a clean and sanitary condition.

- (f) Supplied Facilities. Every supplied facility or piece of equipment of utility shall be constructed or installed so it will function safely and effectively and shall be maintained in satisfactory working condition.
- (g) Drainage. Every yard shall be properly graded in order to obtain thorough drainage away from the dwelling unit and to prevent the accumulation of stagnant water.
- (h) Egress. Every dwelling unit shall be provided with adequate and unobstructed means of egress as required by the NC State Building Code.

Sec. 4-130. Minimum standards for control of insects, rodents, and infestations.

- (a) Screens. In every dwelling unit, every door opening and window or other device open to the outdoor space, used or intended for ventilation, shall be equipped with screens. Every dwelling unit which does not have an air conditioning system shall have screens on every window opening intended to be used for ventilation.
- (b) Rodent Control. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents shall be equipped with screens or such other approved device as will effectively prevent their entrance.
- (c) Infestation.
 - (1) Owners who occupy single dwelling units shall be responsible for extermination of any insects, rodents or other pests within the premises.
 - (2) All rental properties will be reasonably free of insect infestations at the time of tenancy change. The lessee shall have a period of five (5) days after occupancy to request an inspection for infestation. After five (5) days, the lessee shall be responsible to maintain the dwelling in a rodent proof or reasonably insect proof condition, extermination shall be the responsibility of the lessee.
 - (3) In cases of multiple dwelling units where infestation exists in two (2) or more of said units or in the shared or public parts of any dwelling units, extermination shall be the responsibility of the owner.
- (d) Garbage and Rubbish Storage and Disposal.
 - (1) Property owners or tenant of single dwelling units shall be responsible for providing an approved container for outdoor storage of rubbish, and to provide an approved garbage disposal facility, as required by County Solid Waste Regulations.
 - (2) It is the property owner's responsibility to provide for the removal and disposal of rubbish and garbage in an approved manner, except for those dwellings being leased, and then the primary responsibility shall be placed on the occupant. Whenever the removal of rubbish and garbage is not carried out by the lessee, then the responsibility shall be that of the owner.

- (3) In cases of multiple dwelling the responsibility of rubbish and garbage removal will be that of the owner.

Sec. 4-131. Minimum standards applicable to rooming houses.

All minimum standards and requirements of this ordinance shall be applicable to rooming houses, and to every person who operates a rooming house, who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the following paragraphs.

- (a) Water Closet, Hand Lavatory and Bath Facilities. At least one (1) water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition shall be supplied for each four (4) rooms within a rooming house wherever these facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall not be more than one (1) story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.
- (b) Minimum Floor Areas. Every room occupied for sleeping purposes by one (1) occupant shall have the minimum floor space as required by the State Residential Building Codes.
- (c) Sanitary Conditions. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house. The operator shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.
- (d) Sanitary Facilities. Every water closet, flush urinal, lavatory basin and bathtub or shower required by paragraph one (1) of this Section shall be located within the rooming house and within a room or rooms which afford privacy, are separate from the habitable rooms, are accessible from a common hall, and are accessible without going outside the rooming house or through any other room therein.

Sec. 4-132. Smoke detection system.

All residential units, which have been ordered by the Housing Inspector to be repaired and to conform to the minimum standards set forth in this ordinance, shall have automatic smoke detection systems installed to conform to the standards in the North Carolina Building Codes. If a landlord fails to provide, install, replace, or repair a smoke detector under the provisions of North Carolina General Statute Section 42-42(a)(5) within 30 days of having received written notice from the tenant or any agent of state or local government of the landlord's failure to do so, the landlord shall be responsible for an infraction and shall be subject to a fine of two hundred fifty dollars (\$250.00) for each violation. The landlord may temporarily disconnect a smoke detector in a dwelling unit or common area for construction or rehabilitation activities when such activities are likely to activate the smoke detector or make it inactive. This section shall not apply to residential units that are not under direct order of the Housing Inspector to be repaired.

Sec. 4-133. Powers and duties of the Housing Inspector.

The Director of Inspections for Gaston County or his/her designee is hereby designated as the Housing Inspector; the officer shall enforce the provisions of this ordinance and exercise the duties and powers herein prescribed. Duties and powers of the Housing Inspector are:

- (1) To investigate housing conditions; inspect dwellings and dwelling units located in the County; determine which dwellings and dwelling units are unfit for human habitation in violation of this ordinance; and carry out the objectives of this ordinance;
- (2) To take such action, together with other appropriate departments and agencies, public or private, as necessary to effect rehabilitation of housing which is deteriorated, and/or dilapidated and carry out the general spirit and purpose of this regulation;
- (3) To keep a record of the results of inspections made under this ordinance, including a list of all those dwellings inspected and not in compliance with the Housing Inspector's report;
- (4) To perform duties necessary and incidental to the fulfillment of the general spirit and purpose of these regulations;
- (5) To enter upon premises for the purpose of making examinations and inspections; provided, such entries shall be made in accordance with this ordinance and state law, and shall be made in such a manner as to cause the least possible inconvenience to the persons in possession;
- (6) To appoint and affix the duties of such officers, agents, and employees necessary to assist in carrying out the purposes of this ordinance, and to delegate any of the Housing Inspector's functions and powers to such officers, agents, and employees;
- (7) To administer oaths, affirmations, examine witnesses and receive evidence.

Sec. 4-134. Emergency situations.

(a) Emergency situations requiring immediate repair:

- (1) After an inspection of a dwelling in which any or all of the below emergency situations exist, the owner shall repair and correct any substandard item within four-eight (48) hours of the building being inspected and notification of violation being given:
 - a. Repair any broken, burst, frozen or inoperable plumbing pipe or fixtures (water or sewer);
 - b. Repair any exposed or unsafe electrical wiring;
 - c. Repair or replace any unsafe and/or dangerous cooking appliances, provided by the owner;
 - d. Repair, replace or install heating equipment;

- e. Repair or replace above ground fuel storage tanks that are leaking, improperly supported or dangerous;
 - (2) Upon discovery of any of the above emergency situations, the Housing Inspector shall provide notification to the owner of the dwelling to correct or repair the emergency situation, as listed above, within a forty-eight (48) hour period after notification of the violation. Notice of violation shall be in any three (3) of the following forms:
 - a. Posting of the dwelling, showing the emergency situation(s) to be corrected and specified time limit in which repairs are to be corrected.
 - b. Notification of the owner by certified mail of the violation with the specified time period in which to have the problem corrected. Notification to the property owner shall be deemed to be twenty-four (24) hours after depositing the letter.
 - c. Notification by telephone, fax or hand delivery.
 - (3) Should the emergency situation not be corrected by the owner within the forty-eight (48) hour period after notification, then the Housing Inspector shall fine the owner two hundred and fifty dollars (\$250.00) and take action to authorize the disconnection of any and all utilities to the property, and to place a placard on the home stating that it is "unfit for human habitation". Furthermore, this property cannot be reoccupied until such time as the repairs are made and it has been re-inspected by the Housing Inspector to insure the emergency situation has been corrected to bring the dwelling into compliance with this ordinance pursuant to 153A-140.
 - (4) All other non-emergency violations of the Minimum Housing Ordinance shall be corrected within ninety (90) days from the date of inspection of the property. Failure to comply with this order will result in a fine to the owner of the property of fifty dollars (\$50.00) a day until the property is re-inspected and found to be in compliance with the Minimum Housing standard.
 - (5) An owner may appeal the order by giving written notice of appeal to the Gaston County Director of inspections within ten (10) days following the day the order is issued. In the absence of an appeal, the order of the inspector is final.
- (b) Natural Disasters. During periods of declared natural disasters, defined as hurricanes, tornados, floods, earthquakes, forest fires, and other similar acts of God, the provisions in this subsection shall be suspended:
- (1) Public Areas. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
 - (2) Cleanliness. Every dwelling or dwelling unit shall be delivered in a clean and sanitary condition, and every occupant shall keep that part of the dwelling, dwelling unit and premises which he/she occupies and controls in a similar manner.
 - (3) Rubbish and Garbage. Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish and garbage in a clean and sanitary manner by, within seven (7) days, placing

it in the supplied storage facilities. In all cases, the owner shall be responsible for the availability of rubbish and garbage storage facilities.

- (4) Supplied Plumbing Fixtures. Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.
- (5) Care of Facilities. and Equipment and Structure. No occupant shall willfully destroy, deface, or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit. Willful destruction of the premises by the occupant shall be deemed legal grounds for eviction and other legal remedies.

Sec. 4-135. Utilities and permits.

- (a) Utilities. The County shall not provide, nor permit another to provide (either public or private) utility services such as water/sewer, electricity, well/septic tank, etc., to any substandard building or dwelling unit which is currently under inspection of the Housing Inspector until said dwelling is brought into compliance with this Code. This requirement shall not preclude the temporary use of such utility services as may be deemed necessary during construction, repair or alteration. The Housing Inspector shall be responsible for making the determination as to when such "temporary services" may be necessary.
- (b) Permit. No building, plumbing, electrical, gas or other permit, as may be required, for an addition, alteration or repair of an existing substandard building or dwelling unit, shall be issued until such time as an inspection of the property has been made to determine the feasibility of rehabilitation of such building or dwelling unit. If the determination is made that rehabilitation of such building or dwelling unit is feasible, any permits issued will in no way affect time limitations dictated by these regulations.

Sec. 4-136. Administration; Housing Appeal Board.

The Housing Board shall review all appeals from property owners relating to orders given by the Housing Inspector. At the appeals hearings the owners may present evidence to the board to show proof that the violations noted in the inspections report do not violate the minimum housing standards of Gaston County established by this ordinance. The Housing Board shall consist of five (5) members to serve for three-year staggered terms who shall be appointed by the Board of Commissioners. The composition of this Housing Board shall consist of five (5) members from the Gaston County Board of Adjustment. The Board shall have the power to elect its own offices, to fix the date and place of its meetings, to adopt the necessary rules of procedure, and to adopt other rules and regulations for the proper discharge of its duties. The Board shall perform the duties prescribed by Section 4-139 as well as the North Carolina General Statutes, and shall keep an accurate record of all of its proceedings.

Sec. 4-137. Procedures for enforcement.

- (a) Whenever a petition is filed with the Housing Inspector charging that any dwelling is unfit for human habitation by at least five (5) residents or whenever it appears to the Housing Inspector (on his own motion) that any dwelling is unfit for human habitation, the Housing Inspector shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served

upon the owner of and parties in interest in such dwellings a complaint stating the charges in that respect, and:

- (1) that an inspection will be performed and a hearing will be held before the Housing Inspector or his designated agent at the subject property,
- (2) the hearing will be held not less than ten (10) days or more than thirty (30) days after the serving of the complaint;
- (3) that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and
- (4) that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Housing Inspector.

The Housing Inspector or duly appointed designee, who conducts the preliminary inspection of a petition, shall be the Inspector of record for the petition.

- (b) If after notice and hearing, the Housing Inspector determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order, to either repair, alter, abate or demolish the subject property.
- (c) If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the Housing Inspector may cause the dwelling to be vacated and closed; and the Housing Inspector may cause the property to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor. Failure by the owner to properly secure the property within ten (10) days will result in Gaston County securing the building and charging the owner for the expenses associated with this action.
- (d) If the owner fails to comply with an order to remove or demolish the dwelling, the Housing Inspector may cause such dwelling to be removed or demolished.

The duties of the Housing Inspector set forth in the proceeding subparagraphs (c) and (d) shall not be exercised until the Gaston County Board of Commissioners have ordered the Housing Inspector to proceed to effectuate the purpose of this ordinance with respect to the particular property or properties which the Housing Inspector shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. The Housing inspector shall inform the Board of Commissioners of the property at a public hearing after inspection of the property and failure of the owner to take corrective actions.

No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code. This ordinance shall be recorded in the office of the Register of Deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

- (e) The amount of the cost of vacating and closing, or removal or demolition by the Housing Inspector shall be a lien against the real property upon which the cost was incurred, which lien

shall be filed, have the same priority, and be collected as the lien for special assessment provided in North Carolina General Statutes Chapter 160A, Article 10. Nothing in this section shall be construed to impair or limit in any way the power of the County to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

- (f) If any occupant fails to comply with an order to vacate a dwelling, the Housing Inspector may file a civil action in the name of the County to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying such dwelling. The Clerk of Superior Court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in North Carolina General Statute Section 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the Housing Inspector produces a certified copy of an ordinance adopted by the Board of Commissioners pursuant to subdivision (4) authorizing the officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under North Carolina General Statute Section 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in North Carolina General Statute Section 7A-228, and the execution of such judgment may be stayed as provided in North Carolina General Statute Section 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the Board of Commissioners ordered the Housing Inspector to proceed to exercise his duties under subdivisions (3) and (4) of this section to vacate and close or remove and demolish the dwelling.
- (g) That whenever a determination is made pursuant to this section that a dwelling must be vacated and closed, or removed or demolished, under the provisions of this section, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of forty-five (45) days from the mailing of such notice shall be given before removal or demolition by action of the Housing Inspector, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The Housing Inspector or clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the Housing Inspector to wait forty-five (45) days before causing removal or demolition.

Sec. 4-138. Methods of service or complaints and orders.

- (a) Upon receipt of a complaint or request for inspection in non-emergency situations, the Housing Inspector shall notify the property owner and/or tenant in the following manner:

- (1) The Housing Inspector shall contact both the owner and the tenant advising that a complaint or report has been filed with the Housing Inspector;
 - (2) The Housing Inspector shall also notify the tenant of the specific date of the inspection, in a similar manner to the owner notification.
- (b) If the house to be inspected is owner occupied, then the Housing Inspector shall advise the owner, at the time of the notice, of their constitutional rights to refuse entry to the Housing Inspector.
 - (c) If the owner or tenant will not grant entry to the property, then the Housing Inspector in accordance with North Carolina General Statute 15-27.2 will seek an administrative search warrant to inspect the property.
 - (d) Complaints or orders issued by the Housing Inspector shall be served upon persons either personally or by certified mail. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) days after mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the Housing Inspector in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by certified mail, the Housing Inspector shall make an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in Gaston County at least once no later than the time at which personal service would be required under the ordinance. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

Sec. 4-139. Appeals from orders of the Housing Inspector.

An appeal from any decision or order of the Housing Inspector may be taken by any person aggrieved thereby. Any appeal from the Housing Inspector shall be taken within ten (10) days from the rendering of the decision or service of the order, by filing with the Housing Inspector and with the Housing Board a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Housing Inspector shall forthwith transmit to the Board all the papers constituting the record from which the appealed decision was made. When the appeal is from a decision of the Housing Inspector refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When an appeal is from a decision of the Housing Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Housing Board, unless the Housing Inspector certifies to the Board, after the notice of appeal is filed with him, that by reason of the facts stated in the certification, (a copy of which shall be furnished the person who is appealing), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by restraining order, for due cause shown upon not less than one (1) day written notice to the Housing Inspector, by the Board, or by a court of record upon petition made pursuant to G.S. 160A-446(5).

- (a) The Housing Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all parties, and shall render its decision within a reasonable time. Any party may appear in person, by agent, or attorney. The Board may reverse or affirm, wholly, partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to this end shall have all the powers of the Housing Inspector. The Board shall have power also in passing upon appeals, in the case where there are practical difficulties or unnecessary hardships in a way of carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- (b) If the violations are considered by the Housing Inspector to be emergency/life threatening violations, then the Housing Inspector shall cause the utilities to be removed and to place a placard on the home stating that "this occupancy is unsafe to occupy". The placard will remain in place until such time as the appeal can be heard.
- (c) Every decision of the Housing Board shall be subject to review by the proceedings in the nature of certiorari instituted within fifteen (15) days of the decision of the Board, but not otherwise.
- (d) Any person aggrieved by an order by the Housing Inspector or a decision rendered by the Housing Board shall have the right, within thirty (30) working days after issuance of the order or rendering of the decision, to petition the Superior Court for an injunction restraining the Housing Inspector from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the Housing Inspector pending a final disposition of the cause, as provided by G.S. 160A-446.

Sec. 4-140. Alternative Remedies.

Neither this ordinance nor any of its provisions shall be construed to impair or limit in any way the power of Gaston County to define and declare nuisances and to cause this ordinance by criminal process as authorized by North Carolina General Statute Section 14-4 and this ordinance, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinance or laws. Pursuant to the North Carolina General Statute Section 153A-123, a civil penalty may be imposed by the Board of Commissioners.

Sec. 4-141. Conflict with other provisions.

In the event any provision, standard, or requirement of this ordinance is found to be in conflict with any provision of any other ordinance or code of Gaston County, the provision which established the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of Gaston County shall prevail.

Sec. 4-142. Violations; Penalty.

- (a) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close and remove the

same, or to vacate and close and remove or demolish and remove the same, upon order of the Housing Inspector duly made and served as herein provided, within the time specified in such order. Each day that such order is violated shall be considered failure, neglect, or refusal to comply with such order and shall constitute a separate and distinct offense.

- (b) It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to Section 4-123 of this ordinance, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or vacating the premises and closing. Each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.
- (c) The violation of any provision of this ordinance shall constitute a Class 3 misdemeanor, as provided by North Carolina General Statute Section 14-4.
- (d) In addition to the penalty established by subsection (3) above, and the remedies provided by other provisions of this ordinance, this ordinance may be enforced by an appropriate equitable remedy issued by a court or competent jurisdiction.

Sec. 4-143. Amendment Procedure.

The Board of Commissioners may from time to time amend the terms of this ordinance. No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Gaston County area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty five (25) or less than fifteen (15) days prior to the hearing date. In computing the fifteen (15) to twenty-five (25) day period, the date of publication is not to be counted, but the date of the hearing is.

Sec. 4-144. Severability.

If any provision of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision thereof, and to that end, the provisions of this ordinance are hereby declared to be severable.

Sec. 4-145. Miscellaneous.

When an order to renovate, repair or demolish a dwelling has been issued by the Housing Inspector where the subject property is unoccupied, the property owner shall take steps to secure the building covering all points of ingress/egress and openings with material which is not easily penetrable (such as plywood or boards of sufficient width to withstand penetration or other similar materials.)

Failure by the owner to properly secure the property within ten (10) days will result in Gaston County securing the building and charging the owner for the expenses associated with this action. Failure to pay for this expense will result in the charges being placed against the property as property taxes.

Sec. 4-145. Effective Date.

This ordinance, as filed with the Clerk to the Board, shall be effective upon adoption by the Gaston County Board of Commissioners.

I, Donna Buff, Clerk to the Board of Commissioners of Gaston County, North Carolina, hereby certify that the foregoing is a true and correct copy of the MINIMUM HOUSING STANDARDS ORDINANCE, adopted by the Board of Commissioners at a regular meeting held on _____.

Donna S. Buff, Clerk to the Board

SEAL



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

County Attorney

Board Action

File #: 19-191

Public Hearing - RE: Commissioner Chad Brown - County Attorney - To Establish an Ordinance Regulating Nonresidential Buildings and Structures (Chapter 4, Article V)

1. Receive Citizen Comment
2. Accept Motion to Approve

STAFF CONTACT

Charles Moore - County Attorney

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

This ordinance is intended to create a mechanism to allow the County to require a property owner to demolish or rehabilitate nonresidential buildings. Additionally, the ordinance creates standards for nonresidential buildings and authorizes staff to investigate complaints about such buildings.

POLICY IMPACT

The ordinance is part of a general goal of the County to increase the standards of nonresidential buildings. The enforcement procedures mirror state law procedural requirements.

ATTACHMENTS

Resolution and Ordinance



**RESOLUTION TITLE: TO ESTABLISH AN ORDINANCE REGULATING
NONRESIDENTIAL BUILDINGS AND STRUCTURES
(CHAPTER 4, ARTICLE V)**

WHEREAS, Chapter 4 of the Gaston County Code of Ordinances concerns Buildings, Construction, and Related Activities; and,

WHEREAS, Gaston County wishes to create a new ordinance regulating Nonresidential Buildings and Structures; and,

WHEREAS, the purpose of these ordinances is to establish Minimum Standards for the maintenance, sanitation, and safety of all Nonresidential Buildings and Structures within the unincorporated areas of Gaston County.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby establishes Article V of Chapter 4 of the Gaston County Code of Ordinances as attached herein and as filed with the Clerk to the Board.

This ordinance, as filed with the Clerk to the Board, shall be effective immediately upon its adoption.

DO NOT TYPE BELOW THIS LINE

ARTICLE V - REGULATION OF NONRESIDENTIAL BUILDINGS AND STRUCTURES

DIVISION 1. - GENERALLY

Sec. 4-101. - Short title.

The rules and regulations prescribed by this article shall be known and cited as "The Nonresidential Building Code of Gaston County" and may be referred to in this article as "this code" or "the Article."

Sec. 4-102. – Purpose, authority, and findings.

Pursuant to G.S. 160A-439 and 153A-372.1, it is the purpose of this article to establish minimum standards for the maintenance, sanitation and safety of all nonresidential buildings and structures within the unincorporated areas of Gaston County. This article does not replace or modify requirements or standards otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities, except as provided in this article.

It is also the purpose of the provisions of this article to provide a just, equitable and practical method whereby nonresidential buildings and structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the occupants or other residents of the jurisdiction, diminish property values or detract excessively from the appropriate appearance of the area in which they are located, may be required to be repaired, closed, vacated, or demolished. The provisions of this article are cumulative with and in addition to any other remedy provided by law, including the placement of liens as indicated in G.S. 153A-372(b) and other relevant sections.

It is found and declared that there exists in the unincorporated areas of Gaston County nonresidential buildings and structures which are unsafe and especially dangerous to life because of liability to fire or because of bad conditions of walls, overloaded floors, defective construction, decay, unsafe wiring or heating systems, inadequate means of egress and other causes. In addition, it is hereby found and declared that there exists in the unincorporated areas of Gaston County nonresidential buildings and structures which, although not meeting the classification of unsafe and especially dangerous to life, fail to fully comply with all the minimum standards for nonresidential buildings and structures fitness as established herein and, therefore, present one or more conditions which are inimical to the public health, safety, and general welfare of the occupants or other residents of the jurisdiction. Such conditions, if not corrected, can lead to deterioration and dilapidation of nonresidential buildings and structures which render them unsafe and especially dangerous to life.

Sec.4-103. - Scope and applicability.

- (a) The provisions of this article shall apply to all nonresidential buildings or structures which are now in existence or which may be built within the jurisdictional limits of the County.
- (b) Every nonresidential building or structure and the property on which it is situated shall comply with the provisions of this article, whether or not such building or structure shall have been constructed, altered, or repaired before or after the enactment of this article, and irrespective of any permits or licenses which have been issued for the use or occupancy of the building or structure or for the installment or repair of equipment or facilities.

Sec. 4-104. - Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alteration, as applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities; as enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another; and the term "alter" in its various moods and tenses and its participle refers to the making of an alteration.

Approved, as applied to a material, device or mode of construction, means approved by the inspector under this article or by other authority designated by law to give approval in the matter in question.

Area:

- (1) As applied to the dimensions of a building, means the maximum horizontal projected area of the building.
- (2) As applied to the dimensions of a room, means the total square footage of floor area between finished walls.

Basement/Cellar shall mean a portion of a dwelling which is located at least 50% underground, having direct access to light and air from windows above the level of the adjoining ground.

Building means, for the purposes of this article, any structure built for the shelter or enclosure of persons, animals or property of any kind. The term "building" shall be construed as if followed by the phrase "or part thereof."

County Commissioners or Board of County Commissioners means the Gaston County Board of County Commissioners.

Close means securing the building or structure so that unauthorized persons cannot gain entrance.

Code enforcement official means the person who has been designated by the county manager to enforce this article. This person is also known as the Chief Building Inspector and, for minimum housing purposes, as the Housing Inspector.

Demolish means the demolition and removal of the entire building or structure, leaving the property free and clear of any debris and without holes or pockets which may retain water.

Extermination shall mean the control and elimination of insects, rodents or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, or trapping; or by any other recognized and legal pest elimination method approved by the Housing Inspector.

Garbage shall mean the waste resulting from the handling, preparation, cooking and consumption of food.

Housing Board shall mean the Gaston County Housing Board as appointed by the Gaston County Board of Commissioners. Members of the Housing Board shall be composed of members of the Gaston County Zoning Board of Adjustment.

Infestation shall mean the presence, within or around a dwelling, of any insects, rodents or other pests in such number as to constitute a menace to the health, safety or welfare of the occupants or public.

Inspector means any person who is authorized by the code enforcement official to conduct inspections for the purpose of this article.

Nonresidential means any building or structure that is not a dwelling, lodging establishment, manufactured home or rooming house as those terms are defined in Chapter 4.

Owner means the holder of title in fee simple and every mortgagee of record.

Party in interest means all individuals, associations, and corporations who have interests of record in a nonresidential building or structure and any who are in possession thereof.

Pier means masonry or other material support extending from the ground and footing to and supporting the building or portion thereof. Pier sizes and spacing shall conform to the specifications of the state building code.

Plumbing means and includes all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, mechanical sink grinders, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Property means any lot or parcel of land inclusive of any building, structures or improvements located thereon.

Public Authority shall mean any officer who is in charge of any department or branch of the government of Gaston County or the State of North Carolina relating to health, fire, building regulations, or other activities concerning dwellings in Gaston County.

State building code means the North Carolina State Building Code or any superseding regulation.

Vacant means that a building or structure has not been used for its intended purpose or for any lawful purpose for a period of at least one-hundred and eighty (180) consecutive days.

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

Sec. 4-105. - Duties and powers of the code enforcement official.

It shall be the duty of the code enforcement official to:

- (a) Investigate the conditions of and inspect buildings and structures in the County in order to determine whether they have been properly maintained in compliance with the minimum standards established by this article so that the safety or health of the occupants or members of the general public are not jeopardized;
- (b) Enter upon property for the purpose of making examinations and inspections provided that such entries shall be made in accordance with law and in such a manner as to cause the least possible inconvenience to the persons in possession, if any;
- (c) If permission to enter is not granted by the owner, the owner's agent, a tenant, or other person legally in possession of the property, obtain a duly issued administrative search warrant in accordance with G.S. 15-27.2;
- (d) Appoint and fix the duties of officers, agents, and employees necessary to carry out the purposes of this article;
- (e) Delegate any of their functions and powers under this article to other officers and agents;
- (f) Take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect compliance of nonresidential buildings or structures which are in an unsafe condition;
- (g) Administer oaths and affirmations, examine witnesses and receive evidence;
- (h) Issue notices of violation and impose civil penalties;
- (i) Keep a record of the results of inspections made under this article; and
- (j) Perform such other duties as may be prescribed in this article.

Sec. 4-106. - Inspections.

For the purpose of making inspections, the code enforcement official is hereby authorized to enter, examine and survey, at all reasonable times, all property after sufficiently identifying themselves. The owner or occupant of every property, or the person in charge thereof, shall give the code enforcement official free access to such property, at all reasonable times, for the purpose of such inspection, examination and survey.

Sec. 4-107. - Relationship of duties and responsibilities to occupancy.

The provisions of this article that apply to the exterior or interior components of a structure or building or premises shall be complied with whether the structure or building or premises is occupied or vacant. All unoccupied or vacant structures or buildings shall be secured by their owners to prevent the entry of unauthorized persons or the formation of nuisance conditions such as infestation.

Sec. 4-108. - Administrative liability.

Except as may otherwise be provided by statute, local law, or ordinance, no County officer, agent or employee charged with the enforcement of this article shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their duties under this article unless they acted with actual malice.

Sec. 4-109. Substandard conditions, generally.

- (a) Every vacant nonresidential building or structure which does not comply with all the requirements herein shall be deemed substandard.
- (b) Unless otherwise provided herein in this division, all requirements relating to vacant nonresidential building structures shall be the responsibility of the owner.
- (c) A building or structure shall be found to be especially dangerous to life and held unsafe by the inspector if the inspector finds that any one (1) of the following conditions exists in such building or structure:
 - (1) Interior walls or vertical studs which seriously lists, lean or buckle to an extent as to render the building unsafe.
 - (2) Supporting member or members which show thirty-three percent (33%) or more damage or deterioration, non-supporting, enclosing or outside walls or covering which shows fifty percent (50%) or more of deterioration.
 - (3) Floors or roofs which have improperly distributed loads, which are overloaded or which have insufficient strength to be reasonably safe for the purposes used.
 - (4) Such damage by fire, wind or other causes as to render the building unsafe.
 - (5) Dilapidation, decay, unsanitary conditions or disrepair which is dangerous to the health, safety or welfare of the occupants or other people of the jurisdiction.
 - (6) Inadequate facilities for egress in case of fire or panic.
 - (7) Defects significantly increasing the hazards of fire, accident, or other calamities.

- (8) Lack of adequate ventilation, light, heating, or sanitary facilities to such an extent as to endanger the health, safety or general welfare of the occupants or other residents of the jurisdiction.
 - (9) Lack of proper electrical, heating, or plumbing facilities required by this article which constitutes a health or definite safety hazard.
 - (10) For any building whose occupancy classification requires it, lack of connection to a potable water supply and/or to the public sanitary sewer or other approved sewage disposal system. For the purposes of this standard, a building is not connected to a potable water supply if the water supply has been "cut off" because of nonpayment of the water bill or otherwise if the system for any reason is not receiving a flow of potable water to the tap.
 - (11) Any violation of the State Fire Prevention Code, which constitutes a condition which is unsafe and especially dangerous to life.
 - (12) Any abandoned nonresidential building which is found to be a health or safety hazard by the inspector as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary conditions.
 - (13) Roof flashing that is defective, admits rains, or is leaking.
 - (14) Overhead canopies, signs, awnings, fire escapes, standpipes, exhaust ducts, decks, exterior stairways, porches, and other similar structures that are improperly maintained, and/or improperly anchored in such a way as to endanger the health, safety, or general welfare of nearby people.
- (d) No person shall occupy as owner-occupant, or lease to another or others for occupancy, any nonresidential building or structure which exhibits any of the conditions described in this subsection.
 - (e) The inspector shall determine that a vacant nonresidential building is not appropriate for occupation if they find that any of the conditions contained in in this subsection exist in such building or structure.
 - (f) A vacant nonresidential building or structure that has been inspected and found to be unfit for use or occupation may not be occupied until its owner receives a certificate of fitness from the County

Sec. 4-110. - Procedure for enforcement.

- (a) *Preliminary investigation.* Whenever it appears to the code enforcement official that any nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established by this article, he/she shall undertake a preliminary investigation.
- (b) *Complaint and hearing.* If the preliminary investigation discloses evidence of a violation of the minimum standards established by this article, the code enforcement official shall issue a complaint and cause it to be served upon the owner of and parties in interest in such

nonresidential building or structure. The complaint shall state the charges and contain a notice that a hearing will be held before the code enforcement official at a place therein fixed, not less than ten (10) days or more than thirty (30) days after the serving of such complaint. The owner or any party in interest shall have the right to correct the violation or to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in the hearing before the code enforcement official.

(c) Procedure after hearing; issuance of order.

- (1) If, after notice and hearing provided for in subsection (b), the code enforcement official determines that the nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established in this article, the code enforcement official shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner an order.
- (2) If the code enforcement official determines that the cost of repair, alteration, or improvement of the nonresidential building or structure would not exceed fifty percent (50%) of its then-current value, then the code enforcement official shall state in writing the findings of fact in support of such determination and issue an order that requires the owner, within a reasonable time specified in the order, to either:
 - a. Repair, alter or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards established in this article; or
 - b. Vacate and close the nonresidential building or structure for any use.
- (3) If the code enforcement official determines that the cost of repair, alteration, or improvement of the nonresidential building or structure would exceed 50 percent (50%) of its then tax value, then the code enforcement official shall state in writing the findings of fact in support of such determination and issue an order that requires the owner, within sixty (60) days, to remove or demolish the nonresidential building or structure.

(d) Limitations on orders.

The limitation on orders, as established in G.S. 160A-439(e) shall be applicable.

(e) Action by the Board of County Commissioners upon failure to comply with order.

- (1) If the owner fails to comply with an order to repair, alter, improve or vacate and close the nonresidential building or structure, the Board of County Commissioners may adopt an ordinance ordering the code enforcement official to cause such building or structure to be vacated and closed for any use. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the Register of Deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the code enforcement official may cause the building or structure to be vacated and closed. The code enforcement official may cause to be posted on the main entrance of any nonresidential building or structure so closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted shall be guilty of a Class 3 misdemeanor.
- (2) If the owner fails to comply with an order to remove or demolish the nonresidential building or structure, the Board of County Commissioners may adopt an ordinance ordering the code enforcement official to cause such building or structure to be removed or demolished. No ordinance shall be adopted to require removal or demolition of a

nonresidential building or structure until the owner has first been given a reasonable opportunity to bring it into conformity with the minimum standards established in this article. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the Register of Deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the code enforcement official may cause the building or structure to be removed or demolished.

Sec. 4-111. - Appeals from order of code enforcement official to the housing board.

- (a) An appeal from any decision of the code enforcement official may be taken by any person aggrieved thereby to the Housing Board described herein. Any appeal from the code enforcement official must be taken within ten (10) days after the rendering of the decision or service of the order by filing with the code enforcement official and with the Housing Board a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the code enforcement official shall forthwith transmit to the Housing Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the code enforcement official refusing to allow the person aggrieved thereby to do any act, the code enforcement official's decision shall remain in force until modified or reversed. When an appeal is from a decision of the code enforcement official requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing of the Housing Board unless the code enforcement official certifies to the board, after the notice of appeal is made, that by reason of the fact stated in the certificate, a copy of which shall be furnished to the appellant and other parties in interest, a suspension of this requirement would cause imminent peril to life or property. When the code enforcement official issues such a certificate, the requirement shall not be suspended except by a restraining order which may be granted for due cause shown upon not less than one (1) day's written notice to the code enforcement official by the Housing Board or by a court of record upon petition made pursuant to G.S. 160A-446(c) and subsection (c) of this section. The Housing Board shall fix a reasonable time for the hearing of all appeals and cross appeals, shall give due notices to all parties in interest and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney and present evidence. The Housing Board may reverse, affirm, wholly or partly, or modify the decision or order appealed from and may make such decision and order as in its opinion ought to be made in the matter. All Housing Board meetings shall have a quorum present of at least three (3) members, and the vote of at least two (2) members shall be required for a decision on an appeal or cross appeal. The board shall have the power in passing upon appeals and cross appeals where there are practical difficulties or hardships to adopt the application of this chapter to the necessities of the individual case to the end that the general purposes of the law and justice shall be done.
- (b) Every decision of the Housing Board shall be subject to review by proceedings in the nature of certiorari instituted within fifteen (15) days of the service of the decision of the board on the person who filed the appeal.
- (c) Any person aggrieved by an order issued by the code enforcement official or a decision rendered by the Housing Board shall have the right, within thirty (30) days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the code enforcement official pending a final disposition of the cause, as provided by G.S. 160A-446(f).

Sec. 4-112. - Methods of service of complaints and orders.

- (a) Complaints or orders issued by the code enforcement official pursuant to this article shall be served upon persons either personally or by registered or certified mail so long as the means used are reasonably designed to achieve actual notice. When service is made by registered or

certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is refused, but the regular mail is not returned by the post office within ten (10) days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the property affected.

- (b) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the code enforcement official in the exercise of reasonable diligence, and the code enforcement official makes an affidavit to that effect, the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the County at least once no later than the time at which personal service would be required under this article. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the property affected.

Sec. 4-113. - Lis pendens.

Any complaint and notice of hearing or order issued pursuant to this article may be filed in the notice of lis pendens in the office of the Clerk of the Superior Court. A copy of the complaint containing a notice of hearing or a copy of the order shall be attached to the lis pendens. When the lis pendens is filed with the clerk, it shall be indexed and cross-indexed in accordance with the indexing procedures of G.S. 1-117 and it shall be served on the owners of and parties in interest in the building or structure. From the date and time of indexing the complaint and notice of hearing or order, it shall be binding upon the successors and assigns of the owners of and parties in interest in the building or structure. The code enforcement official may cancel the lis pendens upon their determination that the owner of the building or structure has fully complied with the code enforcement official's order.

Sec. 4-114. - Costs of a lien on the property.

- (a) As provided by G.S. 160A-439(i), the amount of the cost of vacating and closing, or removal or demolition, caused to be made or done by the code enforcement official pursuant to the provisions of this article, shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in G.S. Chapter 160A, Article 10.
- (b) The amount of the cost of vacating and closing, or removal or demolition expended by the code enforcement official is also a lien on any other real property of the owner located within the County except for the owner's primary residence. The additional lien provided in this subsection is inferior to all prior liens and shall be collected as a money judgment.
- (c) If the nonresidential building or structure is removed or demolished by the code enforcement official, they shall offer for sale the recoverable materials of the building or structure and any personal property, fixtures, or appurtenances found in or attached to the building or structure, and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition. Any balance remaining shall be deposited with the Clerk of Superior Court by the code enforcement official, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this article shall be construed to impair or limit in any way the power of the Board of County Commissioners to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Sec. 4-115. - Alternative remedies.

Enforcement by any remedy provided in this article shall not prevent enforcement by any other remedy provided in this article or in other ordinances or laws.

Sec. 4-116. - Conflict with other provisions.

If any provision, standard or requirement of this article is found to be in conflict with any other County ordinance, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the County shall prevail.

Sec. 4-117. - Violations; penalty.

- (a) It shall be unlawful for the owner of any nonresidential building or structure to fail, neglect or refuse to repair, alter or improve the building or structure, or to vacate and close and remove or demolish, or to vacate and close the building or structure upon order of the code enforcement official duly made and served as provided in this article, within the time specified in such order. Each day that any such failure, neglect or refusal to comply with such order continues, shall constitute a separate and distinct offense.
- (b) Any owner who fails to comply with an order of the code enforcement official to repair, alter or improve the building or structure or to vacate and close and remove or demolish the building or structure, or vacate and close the building or structure within the time specified in the order, shall be subject to a civil penalty in the amount of Five Hundred Dollars (\$500.00) for the first day of noncompliance and Fifty Dollars (\$50.00) for each day thereafter until the building or structure is brought into compliance with the order. The civil penalty may be recovered by the County in a civil action in the nature of a debt if the owner does not pay the penalty within thirty (30) days after the initial day of noncompliance.

Sec. 4-118. - Ejectment.

If any occupant fails to comply with an order to vacate a nonresidential building or structure, the code enforcement official may file a civil action in the name of the County to remove the occupant. Such action shall be filed in the nature of summary ejectment and conducted in accordance with G.S. 160A-439(j).

Sec. 4-119. - Severability.

If any provision of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision thereof, and to that end, the provisions of this ordinance are hereby declared to be severable.

Sec. 4-120. - Effective Date.

This ordinance, as filed with the Clerk to the Board, shall be effective upon adoption by the County Board of Commissioners.

I, Donna Buff, Clerk to the Board of Commissioners of Gaston County, North Carolina, hereby certify that the foregoing is a true and correct copy of the REGULATION OF NONRESIDENTIAL BUILDINGS AND STRUCTURES, adopted by the Board of County Commissioners at a regular meeting held on _____.

Donna S. Buff, Clerk to the Board

SEAL



Gaston County

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Board of Commissioners

Board Action

File #: 19-192

Commissioner Chad Brown - BOC - Memorial Day Proclamation - To Recognize and Honor Those Who Gave All During Their Military Service to the United States of America, and to Express Our Gratitude to the Fallen Members of Our Armed Services

STAFF CONTACT

Donna S. Buff - Clerk to the Board - 704-866-3196

BACKGROUND

N/A

ATTACHMENTS

Proclamation



- WHEREAS, Memorial Day was first observed as Decoration Day on May 30, 1868 as an occasion for many Americans to decorate the graves of fallen Civil War Soldiers; and,
- WHEREAS, after World War I, this day was expanded to include fallen members of all of our nation's wars and after World War II, this day officially became known as Memorial Day. In 1971, Congress established Memorial Day as a federal holiday to be observed on the last Monday of May each year; and,
- WHEREAS, we recognize the sacrifices and contributions the men and women of our armed forces have made upholding the principles of democracy and freedom. We extend gratitude to the families of our service members and recognize their sacrifices and unwavering devotion. Without their support, our men and women could not have completed their missions successfully; and,
- WHEREAS, this Memorial Day, we express our deepest appreciation to the men and women who laid down their lives in service to our Nation and we mourn with the families and friends of those lost. It is our duty to preserve the legacy of those brave Americans who died defending our great Country and our "unalienable rights" to "life, liberty and the pursuit of happiness"; and,
- WHEREAS, during this time of reflection, we honor and commend those from Gaston County who have contributed to this great Country. Our County has a long and decorated history of military service and our citizens have made significant contributions locally and worldwide.
- NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners salutes our services members for their outstanding devotion to Duty, Honor, and Country and recognizes

Memorial Day, Monday, May 27, 2019

as a day to honor and remember our fallen heroes. The Commission further encourages the Citizens of Gaston County to unite in prayer and reflection for the many sacrifices and accomplishments of our fallen soldiers, their families, and our Veterans.

Tracy L. Philbeck, Chairman

Chad Brown, Vice-Chairman

Bob Hovis

Jack B. Brown

Tom Keigher

Allen R. Fraley

Ronald E. Worley



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Board Action

File #: 19-165

Commissioner Keigher - BOC - Commendation - To Commemorate the Centennial Celebration of the Gaston Country Club Upon its 100th Anniversary

STAFF CONTACT

Donna S. Buff - Clerk to the Board - 704-866-3196

BACKGROUND

N/A

ATTACHMENTS

Commendation



WHEREAS, in 1919 a movement was started to organize and build a Country Club and Golf Course in Gastonia. A two man self-appointed committee secured \$50,000 of stock in the Gastonia Country Club Corporation and a site was selected off of New Hope Road. Earl R. Harer, the professional at Linville Golf Club, was hired to locate land and build a 9-hole golf course which cost approximately \$40,000. A Clubhouse was contracted for around \$45,000; and,

WHEREAS, the Club endured a decade known as the deflation years and in 1927, a new corporate charter was obtained, all debts were satisfied from the proceeds of a surplus property sale and stock issuance, and the newly reorganized Gaston Country Club, Inc. was established; and,

WHEREAS, by the early 1950s, growing membership led to the Club's purchase of a tract of land off of New Hope Road as a tentative site to build a larger clubhouse and 18-hole golf course. Shortly afterwards, W. E. Leigh offered the Club the land it needed from his farm located south of the city and east of Union Road; the Club accepted the offer and purchased two hundred acres for its new facilities; and,

WHEREAS, the Club hired Charles W. Connely as the Architect for the new club, Ellis Maples to design and build the new golf course, and R. H. Pinnix to construct the clubhouse and grounds. The club and golf course were completed at a cost of more than \$700,000, which was paid in full. The golf course opened on Thanksgiving Day, 1958 and the clubhouse officially opened January 1, 1959 with approximately 225 resident members; and,

WHEREAS, the Club completed many major improvements to its facilities during the 1990s and 2000s including an expansion of the main building, major renovations to the golf course greens, irrigation system, locker rooms and tennis courts and tennis facility, the installation of new pool complex and new member entrance and the addition of the Heritage Bar in 2011.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners joins in the *100th Centennial Celebration* to commemorate

THE GASTON COUNTRY CLUB

upon its *100th Anniversary* as it continues to build its legacy as a gathering place where friendships are created, relationships flourish, and lifetime memories are made while creating an atmosphere of community, family and fun.

Tracy L. Philbeck, Chairman

Chad Brown, Vice-Chairman

Bob Hovis

Jack B. Brown

Tom Keigher

Allen R. Fraley

Ronald E. Worley

To be Adopted the 28th Day of May 2019



Gaston County

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Board of Commissioners

Board Action

File #: 19-134

Commissioner Worley - BOC - Proclamation - To Recognize the 20th Anniversary of the Daniel Stowe Botanical Garden and to Proclaim the Month of June 2019 as Daniel Stowe Botanical Garden Month

STAFF CONTACT

Donna S. Buff - Clerk to the Board - 704-866-3196

BACKGROUND

N/A

ATTACHMENTS

Proclamation



WHEREAS, Daniel J. Stowe set aside 350 acres in southeastern Gaston County for the establishment of a world-class botanical garden, developed a master plan and opened 120 acres, including a spectacular Visitor Pavilion, manicured gardens and more, to the public in 1999; and,

WHEREAS, the garden and its supporters have helped it grow and expand, adding an Orchid Conservatory, Lost Hollow: the Kimbrell Children's Garden and more than three miles of hiking trails; and,

WHEREAS, more than 125,000 people visit the Garden on an annual basis to enjoy a wide variety of programs, exhibitions, and special events throughout the year; and,

WHEREAS, the Garden serves a variety of audiences including about 10,000 schoolchildren each year and hundreds of brides throughout the region who choose to have their wedding in Gaston County; and,

WHEREAS, the Garden is celebrating its 20th Anniversary by the grand opening of a new restored piedmont prairie garden, the presentation of two special exhibitions, including Grandiflora: Gamrath Glass at the Garden and Stickwork by Patrick Daugherty and other events; and,

WHEREAS, the Gaston County Board of Commissioners recognizes that the Garden contributes significantly to the tourism economy in Gaston County, boosting stays at local hotels, helping increase business for retailers and restaurants and employing dozens of people on a full-time and part-time basis.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby proclaims the month of June 2019 as

DANIEL STOWE BOTANICAL GARDEN MONTH

in Gaston County.

Tracy L. Philbeck, Chairman

Chad Brown, Vice-Chairman

Bob Hovis

Jack B. Brown

Tom Keigher

Allen R. Fraley

Ronald E. Worley

To be Adopted the 28th Day of May 2019



Gaston County

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Board of Commissioners

Board Action

File #: 18-456

Commissioner Philbeck - BOC - To Dissolve and Delete the Charlotte Regional Partnership from the Appointment Records

STAFF CONTACT

Donna S. Buff - Clerk to the Board - 704-866-3196

BACKGROUND

Approval of this Board Action, to be effective immediately, hereby dissolves and deletes the Charlotte Regional Partnership from the Appointment Records. This comes as the result of the 2018 merger of the Charlotte Chamber and Charlotte Regional Partnership and subsequent establishment of the Charlotte Regional Business Alliance.

ATTACHMENTS

N/A



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Board of Commissioners

Board Action

File #: 19-223

Commissioner Jack Brown - BOC - To Approve an Increase to Family Advisory Board Annual Non-Profit Funding from \$60,000 to \$100,000 beginning in FY20

STAFF CONTACT

Mr. Earl Mathers, County Manager - 704-866-3101

BUDGET IMPACT

Increase FY20 annual funding from \$60,000 to \$100,000

BUDGET ORDINANCE IMPACT

Increase annual funding by \$40,000 beginning in FY20

BACKGROUND

In 2013, the Gaston County Board of Commissioners approved Resolution 2013-230 which required requests for non-profit funding to be referred to the Gaston County Family Advisory Board for review prior to funding in the Gaston County budget. Approval of this Board Action hereby increases the annual funding from \$60,000 to \$100,000 beginning in the FY20 budget year.

POLICY IMPACT

Increase non-profit annual funding via the Family Advisory Board to \$100,000

ATTACHMENTS

N/A



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County Attorney

Board Action

File #: 19-206

Commissioner Philbeck - County Attorney - To Amend Chapter 11 - Offenses and Miscellaneous Provisions, Article I., of the Gaston County Code of Ordinances to Create Section 11.2 to Authorize Gaston County Police Department to Access SBI Databases; To Amend Section 11.1 to Clarify Prohibition of Alcohol on County Property Except as Designated in Chapter 12 of the Code of Ordinances

STAFF CONTACT

Charles Moore - County Attorney

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

The State advised the Gaston County Police Department that they are not authorized to access Criminal History Record Information related to ABC permitting purposes absent authority granted to the Police Department in an Ordinance. This Ordinance is intended to grant such authority for the Police Department. This will enable businesses to serve or sell alcohol in the County and will also enable the Police Department to do background checks for events in County parks where alcohol will be served at events. This ordinance can be found in proposed Section 11-2 of the Gaston County Code of Ordinances.

Gaston County Staff also wish to clarify Section 11-1 of the Ordinance which prohibits alcohol at County buildings. The addition to Section 11-1 affirms this general prohibition, unless specified under Chapter 12 of the Code of Ordinances. Section 12-4 of the Gaston County Code of Ordinances authorizes alcohol to be served under limited circumstances at park events.

POLICY IMPACT

N/A; Section 11-2 enables the Gaston County Police Department to examine various state databases for ABC permitting matters and Section 11-1 clarifies the general prohibition against alcohol on county property.

ATTACHMENTS

Resolution



RESOLUTION TITLE: TO AMEND CHAPTER 11 – OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE I., OF THE GASTON COUNTY CODE OF ORDINANCES TO CREATE SECTION 11.2 TO AUTHORIZE GASTON COUNTY POLICE DEPARTMENT TO ACCESS SBI DATABASES; TO AMEND SECTION 11.1 TO CLARIFY PROHIBITION OF ALCOHOL ON COUNTY PROPERTY EXCEPT AS DESIGNATED IN CHAPTER 12 OF THE CODE OF ORDINANCES

WHEREAS, North Carolina General Statute 18B-904(f) provides that the governing body of a county may designate an official of the County, by name or position, to make recommendations to the State Alcoholic Beverages Control (ABC) Commission on behalf of the County concerning the suitability of a person or of a location for an ABC permit when the proposed location is within the jurisdiction of Gaston County; and,

WHEREAS, the Gaston County Chief of Police, or his designee with a rank of Police Captain or above, is designated as the official authorized to make recommendations on behalf of the governing body, the Gaston County Board of Commissioners, concerning the suitability of a person or location for an ABC permit within the jurisdiction of Gaston County pursuant to G.S. 18B-904(f); and,

WHEREAS, in order to make said recommendations, the Gaston County Police Department desires state access to the State Bureau of Investigations/Division of Criminal History Record Information to obtain criminal history information on all persons applying for ABC permits for proposed locations within the jurisdiction of Gaston County; and,

WHEREAS, the Gaston County Police Department will obtain said criminal history information on each applicant based on identification information regarding the applicant contained in the notice of permit application received from the State Alcoholic Beverages Control (ABC) Commission; and,

WHEREAS, if said criminal history reveals that an applicant has been convicted of any felony, a misdemeanor involving drugs or alcohol, or any offense in violation of Article 26 of Chapter 14 of the North Carolina General Statutes, the Gaston County Police Department will file a written objection to the issuance of the permit, if it is believed that a nexus exists between the conviction and the potential that public safety will be negatively impacted if an ABC permit is issued; and,

WHEREAS, the State Alcoholic Beverages Control (ABC) Commission is the governmental agency responsible for the issuance of all ABC permits; and,

WHEREAS, Section 11-1 of the Gaston County Code of Ordinances states it shall be unlawful for alcoholic beverages to be consumed on the premises or in any buildings owned and occupied by the County; and,

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To Amend Chapter 11 - Offenses and Miscellaneous Provisions, Article I., of the Gaston County Code of Ordinances to Create Section 11.2 to Authorize Gaston County Police Department to Access SBI Databases; To Amend Section 11.1 to Clarify Prohibition of Alcohol on County Property Except as Designated in Chapter 12 of the Code of Ordinances
Page 2

WHEREAS, Gaston County allows, under some circumstances, alcohol to be consumed in parks during certain events as specified in Chapter 12 of the Gaston County Code of Ordinances; and,

WHEREAS, for clarification, Gaston County desires to modify Section 11-1 of the Gaston County Code of Ordinances to clarify that alcohol is prohibited at county facilities and properties, except as specified in Chapter 12 of the Gaston County Code of Ordinances.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby modifies Chapter 11, Article I., Section 11-1 of the Gaston County Code of Ordinances and creates Section 11-2 of the Gaston County Code of Ordinances as follows:

Section 11-1 of the Gaston County Code of Ordinances is modified as follows:

Sec 11-1. Open containers of alcoholic beverages.

It shall be unlawful for any person to possess open containers of or to consume any malt beverages, or unfortified wine, all as defined in G.S. 18B-101 upon the premises of any buildings owned or occupied by the county, except as specified in Chapter 12 of the Gaston County Code of Ordinances.

Section 11-2 is hereby written to read as follows:

Sec. 11-2. Police authority regarding criminal history information for applicants for Alcoholic Beverage Control (ABC) permits

- (1) Authorization. The Gaston County Police Department shall be authorized to seek state access to State Bureau of Investigation/Division of Criminal Investigation Criminal History Record Information to obtain criminal history information on all persons applying for ABC permits for proposed locations within the jurisdiction of Gaston County.
- (2) Conflicts. All ordinances in conflict herewith are hereby repealed.
- (3) Severability. Should any provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

This Ordinance shall take effect and be in force from and after the date of its adoption.

Adopted the 28th day of May, 2019.

Certification

I, Donna S. Buff, Clerk to the Gaston County Board of Commissioners, do hereby certify that the above, as filed with the Clerk to the Board, is a true and accurate copy of the ordinance amendment entitled *To Amend Chapter 11 - Offenses and Miscellaneous Provisions, Article I., of the Gaston County Code of Ordinances to Create Section 11.2 to Authorize Gaston County Police Department to Access SBI Databases; To Amend Section 11.1 to Clarify Prohibition of Alcohol on County Property Except as Designated in Chapter 12 of the Code of Ordinances* as adopted by the Board of Commissioners on May 28, 2019 and is to be set forth in the Gaston County Code of Ordinances upon adoption.

Donna S. Buff, Clerk to the Board

SEAL



Gaston County

Gaston County
Board of Commissioners
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County Attorney

Board Action

File #: 19-200

Commissioner Chad Brown - County Attorney - To Dissolve the Current Housing Appeal Advisory Board and Create a New Gaston County Housing Board

STAFF CONTACT

Charles Moore - County Attorney

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

In light of a revised minimum housing ordinance and a new ordinance concerning nonresidential structures, Staff feels it is appropriate to update the Housing Appeal Advisory Board. The current Housing Appeal Advisory Board has not met in more than ten years. Due to the fact-finding nature of these kinds of appeals, staff feels it is appropriate for members of the Gaston County Board of Adjustment to hear these appeals. The Gaston County Housing Board shall be comprised of the following members of the Gaston County Board of Adjustment: Chuck Ballard; Bob Lancaster; Kevin Meyer; Monte Monteleone; and Elizabeth Moser. George Mason shall serve as an alternate member. The terms for each member shall coincide with their relative seat terms on the Board of Adjustment. Brian Sciba, Director of Inspections, and Sam Shames, Assistant County Attorney, will serve as ex-officio/non-voting.

This action is intended to dissolve the current Housing Appeal Advisory Board and create a new Gaston County Housing Board to hear such appeals and also includes By-laws and Rules of Procedure.

POLICY IMPACT

N/A

ATTACHMENTS

Resolution and By-Laws/Rules of Procedure



RESOLUTION TITLE: TO DISSOLVE THE CURRENT HOUSING APPEAL ADVISORY BOARD AND CREATE A NEW GASTON COUNTY HOUSING BOARD

WHEREAS, Chapter 4 of the Gaston County Code of Ordinances concerns Buildings, Construction, and Related Activities; and,

WHEREAS, there currently exists a Housing Appeal Advisory Board for Gaston County created on February 8, 1990; and,

WHEREAS, the current Housing Appeal Advisory Board has not met for numerous years; and,

WHEREAS, it will be more pragmatic for an existing Gaston County Board to hear appeals concerning buildings, construction and related activities because of the sporadic nature of when such appeals arise; and,

WHEREAS, the nature of a quasi-judicial hearing the Gaston County Zoning Board of Adjustment adjudicates is similar to what the Housing Appeal Advisory Board considers; and,

WHEREAS, for such reasons, five (5) members from the Gaston County Board of Adjustment shall constitute the Gaston County Housing Board, with another member serving as an alternate member from such Board. The Director of Building Inspection/Zoning Administrator or a designee and the County Attorney or a designee shall be appointed as ex-officio non-voting members.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby dissolves the Housing Appeal Advisory Board and establishes the Gaston County Housing Board.

BE IT FURTHER RESOLVED, that the following members of the Gaston County Board of Adjustment are hereby appointed to the Gaston County Housing Board and the terms for each member shall coincide with their corresponding seat term on the Board of Adjustment: Chuck Ballard; Bob Lancaster; Kevin Meyer; Monte Monteleone; and Elizabeth Moser. George Mason shall serve as an alternate member. Brian Sciba, Director of Inspections, and Sam Shames, Assistant County Attorney, are hereby appointed as ex-officio/non-voting.

BE IT FURTHER RESOLVED that the Gaston County Board of Commissioners approves the Gaston County Housing Board By-laws/Rules of Procedure as attached.

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GASTON COUNTY HOUSING BOARD GASTON COUNTY, NORTH CAROLINA

BYLAWS/RULES OF PROCEDURE

I. GENERAL RULES

The Gaston County Housing Board (hereinafter referred to as the "Board") shall be governed by the applicable terms of: Chapter 153A, Article 18, Part 4 of the North Carolina General Statutes; Chapter 160A, Article 19, Part 6 of the North Carolina General Statutes; and by Chapter 4, Article V and VI of the Gaston County Code of Ordinances. All Members of the Board shall thoroughly familiarize themselves with these laws and abide by the rules set forth below.

II. OFFICERS AND DUTIES

A. MEMBERSHIP

Members of the Board shall be appointed for designated terms by the Gaston County Board of Commissioners. The Board shall consist of five (5) regular members and one (1) alternate member, consisting of those individuals who are already members of the Gaston County Zoning Board of Adjustment. Membership of the Board is contingent upon such individual being a member of the Gaston County Zoning Board of Adjustment.

The Alternate member of the Board shall attend all regular and special meetings. In the event that a regular member is absent from the meeting or should a regular member be removed due to a conflict of interest, the alternate shall be able to cast a vote in the same manner as a regular member on business of the Board.

The alternate member shall have full voting privileges on the adoption or amendment of these Bylaws/Rules of Procedure and other procedural aspects of the Board's business when serving as a full voting member of the Board. The Alternate member may participate in any discussion before a vote on procedural matter whether voting or not.

B. ELECTIONS

The Board shall elect a Chair and a Vice-Chair by the full membership, including the alternate member of the Board. The Chair and Vice-Chair shall be selected from regular members of the Board, with the alternate not being eligible for these positions. These positions shall be elected annually at the regular meeting of the Board held in the month of January. These officers shall serve at the pleasure of the Board and shall be elected for a three (3) year term, unless otherwise stated. Members shall be notified at least seven (7) days prior to the regular January meeting, when officers are to be elected. Each officer shall serve until relieved of his or her duties as herein provided.

C. OFFICERS' DUTIES

1. The Chair shall decide upon all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time. The Chair shall appoint any committees deemed necessary to investigate any matters before the Board. The Chair shall act as spokesperson for the Board, unless otherwise directed by a majority of the Board.

2. The Vice-Chair shall assume the full duties and responsibilities of the Chair in the absence of the Chair. In the Absence of the Chair and Vice-Chair, a temporary Chair shall be elected by the remaining members of the Board, to assume the duties and responsibilities of the Chair for a specified time period.
3. The Director of Building Inspections/Zoning Administrator or his or her designee shall serve as Secretary to the Board. The Secretary shall be responsible for taking minutes at all Board meetings. These minutes shall reflect actions of the Board and pertinent facts dealing with business before the Board. The minutes shall further reflect every resolution acted upon by the Board, and all votes of members of the Board upon any resolution or upon the final determination of any question, indicating the names of members absent or failing to vote. The Secretary, subject to the direction of the Chair and the Board, shall conduct all correspondence of the Board, arrange for all public notices required to be given, notify members of pending meetings and their agenda, notify parties to cases before the Board of its decision on such cases, and generally supervise the clerical work of the Board. The Secretary shall provide a copy of the minutes of the meetings prior to minutes becoming official minutes of the Board. A copy of the minutes of all meetings of the Board shall be maintained in the Planning office by the Secretary.

III. RULES OF CONDUCT FOR MEMBERS

- A. Members of the Board may be removed for violation of the rules stated herein.
- B. In order for the Board to carry out its duties and responsibilities, it is necessary for all members to attend the meetings. If any regular member is absent for three (3) consecutive regular meetings, said member is deemed to have resigned from the Board. The Chair may direct the Secretary to notify such member in writing of his or her absences, and direct the Secretary to notify the member that said member has until the next regularly scheduled meeting to show cause in writing why said member should be reinstated to the Board. If the Board determines that sufficient cause was given, the Chair shall direct the secretary to make a request to the Board of Commissioners to reinstate the member.
- C. Should any member of the Board be financially or otherwise closely associated with any issue that comes before the Board, said member shall make public said possible conflict, the nature of the conflict, and ask for a determination by the Board. A majority vote of those voting members without such conflict shall determine if said conflict does exist, and should a conflict exist, the Board shall grant the member removal from the discussion or vote on issue involved. A member of the Board may raise the question of conflict of interest of another member regarding a specific issue that is before the Board. Similarly, any interested party may challenge the existence of a conflict of interest or ask for the determination of an undisclosed conflict of interest.
- D. Withdrawal from participation in any matter is necessary only in those specific cases in which a conflict has been determined. There shall be no attempt to exclude entire categories of considerations because of the business or profession with which a member is associated.
- E. No Board member shall vote on any matter unless he or she shall have attended the entire public hearing on that appeal. If a public hearing is continued from one meeting date to another, an alternate member may replace a regular meeting only if the alternate member was in attendance at all previous public hearing sessions concerning that appeal.
- F. No Board member shall discuss any case with any parties or other Board member thereto prior to the public hearing on that case; provided however, that member may receive and/or seek information pertaining to the case from the an appropriate Gaston County staff member prior to the hearing.
- G. Members may not express individual opinions on the proper judgment of any case with any parties thereto prior to its determination of that case. Violation of this rule shall be cause for dismissal from the Board.

IV. MEETINGS

- A. Regular meetings of the Board shall be held on the third Thursday of each month at 3:00 P.M. in the Gaston County Administration Building. Meetings may be held in other locations at the direction of the Chair or Board provided that meetings may be held at any other convenient place in the Gaston County area and notice is given by the Secretary in accordance with applicable laws and policies of the County for meeting notification. Each member (including the alternate member) shall be notified of each meeting by the Secretary to the Board.
- B. Special meetings of the Board may be called at any time by the Chair, or the Vice-Chair, serving in capacity of the Chair. Notice shall be given at least forty-eight (48) hours in advance of the meeting, stating the time, place and purpose of the meeting to each member of the Board including the alternate members, and other appropriate persons or organizations in compliance with the open meetings law.
- C. Cancellation of Meetings: Whenever there is no business before the Board, or whenever so many members notify the Secretary of their inability to attend that a quorum will not be available, the Chair may dispense with regular meeting by giving written or oral notice to all members no less than twenty-four (24) hours prior to the time set for the meeting.
- D. Quorum: Three voting members of the Board shall constitute a quorum.
- E. Conduct of Meetings: All meetings shall be open to the public. The order of business at regular meetings shall be as follows.
 - 1. Call to Order
 - 2. Determination of Quorum
 - 3. Approval of Minutes of Previous Meetings
 - 4. Hearing of Appeal
 - 5. Consideration and Determination of Appeals Heard
 - 6. Other Business
 - 7. Adjourn

V. APPEALS

- A. Types of Appeals: The Board shall consider through a public hearing and decide all appeals from arising from the Gaston County Minimum Housing Ordinance or Ordinance Regulating Nonresidential Buildings and Structures as found in Section 4-111 and 4-139 of the Gaston County Code of Ordinances.
- B. Procedure for Filing Appeals: The procedure for filing an appeal shall be governed by the appropriate provisions under Chapter 4, Article V and VI of the Gaston County Code of Ordinances and the applicable corresponding state statutes. Gaston County staff may advise a perspective appellant about such procedures.
- C. Conduct of Hearing: Any party may appear in person or by agent or by attorney at the hearing. The order of business for hearings shall be as follows:
 - 1. The Chair, or such person as he or she shall direct, shall give a preliminary statement of the case, and the Chair shall swear in all witnesses and participants to give testimony before the Board.
 - 2. Gaston County staff shall present its argument without time limitation that the property of the appellant is in violation of applicable ordinances, state regulation, or state law.
 - 3. The appellant shall present the argument in support of his or her appeal without time limitation as long as the applicant or his or her designated representative is addressing the findings of fact.

4. Third parties shall be limited to three (3) minutes to present any evidence or testimony. The Secretary will keep the time and may give a thirty (30) second warning.
5. The Chair (or Secretary, at the Chair's direction) shall summarize the evidence which has been presented, giving the parties opportunity to make objections or corrections. Board members may not individually view the evidence before arriving at a decision. All witnesses giving evidence before the Board shall be placed under oath and the opposing party may cross-examine them.
6. Staff, however, may inform the Board members at any time during or after the public hearing on any procedural matter, through the Chair.
7. The Chair shall close the public hearing immediately prior to a vote being taken on a particular application.

D. Decisions:

1. Time: Decisions by the Board shall be made no later than thirty-one (31) days from the date the hearing was closed.
2. Form: The final decision of the Board shall be shown in the record of the case as entered in the minutes of the Board and signed by the Secretary upon arrival of the minutes by the Board. Such record shall show the reasons for the determination, with a summary of the evidence introduced and the findings of fact made by the Board.

Public Record of Decision: The decisions and deliberations of the Board, as filed in its minutes, shall be of public record, available for inspection at the Secretary's office during normal business hours. As required by law, a decision of the Housing Board may be recorded at the Gaston County Register of Deeds Office or the Clerk of Superior Court.

VI. AMENDMENTS

These rules, may, within the limits allowed by law, be amended at any time by the affirmative vote of not less than four (4) regular or alternate members of the Board, provided that such amendment be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

VII. RATIFICATION PROVISION

I, _____, Chairman of the Gaston County Housing Board, do hereby certify that the foregoing is a true and accurate copy of the By-laws of the above named organization, duly adopted by this Board on _____.

Chairman, Gaston County Housing Board

Certification

I, Donna S. Buff, Clerk to the Gaston County Board of Commissioners, do hereby certify that the above is a true and accurate copy of the Gaston County Housing Board By-laws as adopted by the Board of Commissioners on May 28, 2019.

Donna S. Buff, Clerk

SEAL



Gaston County

Gaston County
Board of Commissioners
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County Manager

Board Action

File #: 19-221

Commissioner Philbeck - County Manager - To Accept Departmental Budget Change Requests as Information

STAFF CONTACT

Matt Rhoten - Interim Assistant County Manager - 704-866-3101

BACKGROUND

The BOC is requested to accept the attached Budget Change Requests as information.

ATTACHMENTS

Departmental Budget Transfers

**COUNTY MANAGER - LISTING OF DEPARTMENTAL BUDGET CHANGE REQUESTS
TO BE ACCEPTED AS INFORMATION AT THE MAY 28, 2019 BOARD MEETING**

EFF DATE	DEPT	ACCOUNT	DR/CR	AMOUNT
04/02/2019	Nat Res	010-07-4960-0000-520001-	C	\$200
04/02/2019		010-07-4960-0000-530010-	D	\$200
04/03/2019	GEMS	010-02-4370-0000-520013-	C	\$4,692
04/03/2019		010-02-4370-0000-520001-	C	\$396
04/03/2019		010-02-4370-0000-530002-	D	\$5,088
04/03/2019		010-02-4372-0000-530040-	C	\$5,888
04/03/2019		010-02-4372-0000-530002-	D	\$5,888
04/04/2019	Fire Marshal	010-02-4340-0000-530030-	C	\$900
04/04/2019		010-02-4340-0000-520011-	D	\$900
04/04/2019	Sheriff	010-02-4315-4315-520011-	D	\$10,000
04/04/2019		010-02-4315-4315-520007-	C	\$10,000
04/04/2019	HR	010-01-4122-0000-560000-FmFun	C	\$4,000
04/04/2019		010-01-4122-0000-530010-	D	\$4,000
04/04/2019	Sheriff	010-02-4315-4315-520001-	D	\$5,000
04/04/2019		010-02-4315-4315-520007-	C	\$5,000
04/04/2019		010-02-4315-4315-510001-	C	\$997,552
04/04/2019		010-02-4315-4323-510001-	D	\$806,695
04/04/2019		010-02-4315-4323-510002-	D	\$112,535
04/04/2019		010-02-4315-4315-510002-	D	\$78,322
04/05/2019	Health	011-05-5116-5131-510001-	C	\$1,912
04/05/2019		011-05-5116-5131-510100-	C	\$146
04/05/2019		011-05-5116-5131-510101-	C	\$149
04/05/2019		011-05-5116-5131-560000-19515	D	\$2,207
04/05/2019	Elections	010-01-4170-0000-530015-	C	\$2,800
04/05/2019		010-01-4170-0000-520014-	C	\$5,000
04/05/2019		010-01-4170-0000-530041-	D	\$7,800
04/08/2019	DSS	020-05-4790-0000-540005-	C	\$6,700
04/08/2019		020-05-4790-0000-530020-	D	\$6,700
04/08/2019		020-05-5867-0000-560000-18526	C	\$28,000
04/08/2019		020-05-5869-0000-560000-18070	D	\$28,000
04/09/2019	Fire Marshal	010-02-4330-0000-520001-	C	\$170
04/09/2019		010-02-4330-0000-520011-	D	\$170
04/09/2019	Public Works	060-08-4720-0000-530010-	C	\$40,000
04/09/2019		060-08-4720-0000-530015-	D	\$40,000
04/10/2019	Parks	010-04-6120-0000-510001-	C	\$820
04/10/2019		010-04-6120-0000-510104-	D	\$820
04/10/2019	BOC	010-01-4110-0000-530015-	C	\$1,000
04/10/2019		010-01-4110-0000-510104-	D	\$1,000
04/11/2019	Health	011-05-5111-0000-510101-	C	\$325
04/11/2019		011-05-5111-0000-510104-	D	\$325
04/11/2019		011-05-5116-5133-510101-	C	\$700
04/11/2019		011-05-5116-5133-510104-	D	\$700
04/11/2019	DSS	020-05-5491-0000-540001-	C	\$6,000
04/11/2019		020-05-5491-0000-520011-	D	\$6,000
04/15/2019	Public Works	010-01-4265-4265-520011-	C	\$400
04/15/2019		010-01-4265-4265-510104-	D	\$400
04/15/2019		010-01-4265-4260-510001-	C	\$24,000
04/15/2019		010-01-4265-4260-540002-	C	\$8,250
04/15/2019		010-01-4265-4260-540003-	D	\$32,250
04/15/2019		010-01-4265-4260-540002-	C	\$24,750
04/15/2019		010-01-4265-4260-540001-	D	\$24,750
04/15/2019	Library	010-04-6110-6112-520001-	C	\$700
04/15/2019		010-04-6110-6113-540001-	D	\$700

County Manager - Listing of Departmental Budget Change Requests to be Accepted as Information
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EFF DATE	DEPT	ACCOUNT	DR/CR	AMOUNT
04/16/2019	Bldg Insp	012-02-4350-0000-510001-	C	\$8,056
04/16/2019		012-02-4350-0000-530002-	D	\$6,056
04/16/2019		012-02-4350-0000-520002-	D	\$1,000
04/16/2019		012-02-4350-0000-520014-	D	\$500
04/16/2019		012-02-4350-0000-520001-	D	\$500
04/16/2019	ACE	010-02-4380-0000-510001-	C	\$26,000
04/16/2019		010-02-4380-0000-510002-	D	\$26,000
04/17/2019	Planning	010-02-4910-4910-510001-	C	\$420
04/17/2019		010-02-4910-4910-510104-	D	\$420
04/17/2019		010-02-4910-4911-510001-	C	\$210
04/17/2019		010-02-4910-4911-510104-	D	\$210
04/17/2019		010-02-4910-4911-530010-	C	\$400
04/17/2019		010-02-4910-4911-520014-	D	\$400
04/17/2019	Bldg Insp	012-02-4350-0000-510001-	C	\$11,800
04/17/2019		012-02-4350-0000-530012-	D	\$11,800
04/18/2019		012-02-4350-0000-510001-	C	\$500
04/18/2019		012-02-4350-0000-530029-	D	\$500
04/18/2019	Museum	010-04-6141-0000-530015-	C	\$500
04/18/2019		010-04-6141-0000-530014-	D	\$500
04/22/2019	Elections	010-01-4170-0000-520014-	C	\$300
04/22/2019		010-01-4170-0000-530038-	D	\$300
04/23/2019	Museum	010-04-6141-0000-520001-	C	\$136
04/23/2019		010-04-6141-0000-510104-	D	\$136
04/23/2019	DSS	020-05-5867-0000-560000-18526	C	\$2,500
04/23/2019		020-05-5869-0000-560000-18065	D	\$2,500
04/23/2019	GEMS	010-02-4370-0000-560000-PEduc	C	\$1,250
04/23/2019		010-02-4370-0000-520015-	D	\$1,250
04/23/2019		010-02-4370-0000-530030-	C	\$3,000
04/23/2019		010-02-4370-0000-520014-	D	\$3,000
04/25/2019	Health	011-05-5115-0000-530023-	D	\$1,000
04/25/2019		011-05-5116-5133-530023-	C	\$1,000
04/25/2019	DSS	020-05-5585-0000-560000-19546	C	\$6,000
04/25/2019		020-05-5585-0000-530010-18608	C	\$2,300
04/25/2019		020-05-5585-0000-560000-18521	D	\$8,300
04/25/2019	Public Works	060-08-4720-0000-540006-16183	C	\$400,000
04/25/2019		060-08-4720-0000-540002-17162	C	\$50,000
04/25/2019		060-08-4721-0000-540002-18123	D	\$450,000
04/26/2019	Sheriff	010-02-4315-4315-510101-	C	\$117,386
04/26/2019		010-02-4315-4323-510101-	D	\$117,386
04/26/2019		010-02-4315-4315-510001-	C	\$87,000
04/26/2019		010-02-4315-4323-510102-	D	\$44,000
04/26/2019		010-02-4315-4323-510100-	D	\$43,000
04/26/2019		010-02-4315-4315-510100-	C	\$100,000
04/26/2019		010-02-4315-4323-510100-	D	\$100,000
04/29/2019	DSS	020-05-4790-0000-510001-	C	\$315
04/29/2019		020-05-4790-0000-510104-	D	\$315
04/29/2019	GEMS	010-02-4370-0000-520001-	C	\$978
04/29/2019		010-02-4370-0000-520005-	D	\$978
04/29/2019	DSS	020-05-5650-0000-560001-	C	\$3,000
04/29/2019		020-05-5640-0000-560001-	D	\$3,000
04/29/2019		020-05-5640-0000-520010-	C	\$300
04/29/2019		020-05-5640-0000-520012-	D	\$300
04/29/2019		020-05-5650-0000-540001-	C	\$1,100
04/29/2019		020-05-5650-0000-540005-18113	C	\$1,900
04/29/2019		020-05-5650-0000-530015-	D	\$3,000

County Manager - Listing of Departmental Budget Change Requests to be Accepted as Information
Page 3

EFF DATE	DEPT	ACCOUNT	DR/CR	AMOUNT
04/30/2019	T&T	022-07-4921-0000-520005-	D	\$300
04/30/2019		022-07-4921-0000-520006-	C	\$300
04/30/2019	Public Works	060-08-4720-0000-530010-	C	\$25,000
04/30/2019		060-08-4720-0000-510002-	D	\$25,000
04/30/2019	Sheriff	010-02-4315-4315-510001-18606	C	\$580
04/30/2019		010-02-4315-4315-540001-18606	D	\$580
04/30/2019	T&T	022-07-4921-0000-530010-	D	\$4,000
04/30/2019		022-07-4921-0000-520013-	C	\$4,000
04/30/2019	County PD	010-02-4310-4310-510001-	C	\$60,000
04/30/2019		010-02-4310-4310-510002-	D	\$60,000



Gaston County

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DHHS - Public Health Division

Board Action

File #: 19-169

Commissioner Chad Brown - DHHS (Health Division) - To Adopt an Ordinance Approving a Gaston County Health and Human Services Board of Health Rule Prohibiting the Use of Tobacco Products in Local Government Buildings, Local Government Grounds, Local Government Vehicles, Local Government Parks, and Indoor Public Places **(Second Reading)**

STAFF CONTACT

Chris Dobbins - Director - Department of Health and Human Services - 704-853-5262

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

The Gaston County Department of Health and Human Services (DHHS) Board adopted the Gaston County Board of Health Rule prohibiting the use of tobacco products in local government buildings, local government grounds, local government vehicles, local government parks, and indoor public places on Thursday, April 4, 2019. Pursuant to the provisions of G.S. 153A-77 and G.S. 130A-43, the consolidated Gaston County Health and Human Services Board has the authority to adopt local health regulations; and pursuant to G.S. 130A-43, a consolidated human service board shall have all the powers and duties of a local board of health as provided in G.S. 130A-39. Gaston County DHHS is committed to protecting the health and environment of individuals, children, and employees by eliminating exposure to secondhand smoke, e-cigarette aerosol, and eliminating the amount of litter caused by discarded cigarette butts. G.S. 130A-498 authorizes local governments to adopt and enforce ordinances "that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local vehicles, or in public places."

Upon adoption the Board of Health Rule will be set forth in Chapter 8, Article III, Section 8-101 et. seq. of the Gaston County Code of Ordinances.

DATE OF INTRODUCTION (First Reading): 4/23/2019

POLICY IMPACT

N/A

ATTACHMENTS

Resolution and Exhibit A - Board of Health Rule



RESOLUTION TITLE: AN ORDINANCE APPROVING A GASTON COUNTY HEALTH AND HUMAN SERVICES BOARD OF HEALTH RULE PROHIBITING THE USE OF TOBACCO PRODUCTS IN LOCAL GOVERNMENT BUILDINGS, LOCAL GOVERNMENT GROUNDS, LOCAL GOVERNMENT VEHICLES, LOCAL GOVERNMENT PARKS, AND INDOOR PUBLIC PLACES (SECOND READING)

WHEREAS, in 2009 the North Carolina General Assembly enacted Session Law 2009-27, which authorized local governments and local boards of health to prohibit smoking and tobacco in certain areas; and,

WHEREAS, rules adopted by the local boards of health are generally applicable throughout the county of adoption including within town jurisdictions; and,

WHEREAS, on April 4, 2019, the Gaston County Health and Human Services Board adopted a Board of Health rule (Attached hereto as Exhibit A) prohibiting the use of tobacco in Local Government Buildings, Local Government Grounds, Local Government Vehicles, Local Government Parks, and Indoor Public Places; and,

WHEREAS, the Commissioners of Gaston County, believing it to be in the best interest of the citizens and residents of Gaston County, have determined that the Board of Health rule as adopted by the Gaston County Health and Human Services Board prohibiting tobacco use throughout Gaston County should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Gaston County Board of Commissioners that the Gaston County Board of Health rule, adopted by the Gaston County Health and Human Services Board prohibiting tobacco use as described herein and in the Exhibit is hereby approved and to be set forth in Chapter 8, Article III, Section 8-101 et. seq. of the Gaston County Code of Ordinances.

By:

Tracy L. Philbeck, Chairman
Gaston County Board of Commissioners

DO NOT TYPE BELOW THIS LINE

An Ordinance Approving a Gaston County Health and Human Services Board of Health Rule Prohibiting the Use of Tobacco Products in Local Government Buildings, Local Government Grounds, Local Government Vehicles, Local Government Parks, and Indoor Public Places (Second Reading)

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Certification

I, Donna S. Buff, Clerk to the Gaston County Board of Commissioners, do hereby certify that the above, as filed with the Clerk to the Board, is a true and accurate copy of the ordinance entitled *An Ordinance Approving a Gaston County Health and Human Services Board of Health Rule Prohibiting the Use of Tobacco Products in Local Government Buildings, Local Government Grounds, Local Government Vehicles, Local Government Parks, and Indoor Public Places (Second Reading)* as adopted by the Board of Commissioners on May 28, 2019 and is to be set forth in the Gaston County Code of Ordinances upon adoption.

Donna S. Buff, Clerk to the Board

SEAL

Gaston County Board of Health Rule

**Prohibiting the Use of Tobacco Products in
Local Government Buildings, Local Government Grounds, Local Government Vehicles, Local
Government Parks, and Indoor Public Places**

WHEREAS, pursuant to the provisions of G.S. 153A-77 and G.S. 130A-43, the consolidated Gaston County Health and Human Services Board has the authority to adopt local health regulations; and

WHEREAS, pursuant to G.S. 130A-43, a consolidated human service board shall have all the powers and duties of a local board of health as provided in G.S. 130A-39; and

WHEREAS, Gaston County Department of Health and Human Services "DHHS" is committed to protecting the health and environment of individuals, children, and employees in Local Government Buildings, Local Government Grounds, Local Government Vehicles, Local Government Parks, and Indoor Public Places by eliminating exposure to secondhand smoke, and e-cigarette aerosol, and eliminating the amount of litter caused by discarded cigarette butts; and

WHEREAS, Gaston County DHHS wishes to minimize the harmful effects of tobacco use among employees and eliminate secondhand smoke and e-cigarette aerosol exposure for employees and the public in and on those buildings, vehicles and grounds controlled by units of local government and in indoor public places within Gaston County; and

WHEREAS, G.S. 130A-498 authorizes local governments to adopt and enforce ordinances "that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local vehicles, or in public places"; and

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), tobacco use is the leading preventable causes of illness and premature death in North Carolina and the nation; and

WHEREAS, research indicates that, during active smoking, outdoor levels of secondhand smoke may be as high as indoor levels and may pose a health risk for people in close proximity, and some hazard exists beyond 30 feet; and

WHEREAS, in 2006, the Surgeon General concluded that there is no risk-free level of exposure to secondhand tobacco smoke. Establishing smoke-free environments is the only proven way to prevent exposure, and tobacco free rules and ordinances are an evidence-based method of creating smoke-free environments; and

WHEREAS, in 2016, the U.S. Surgeon General issued a report on e-cigarettes and young people stating that emitted e-cigarette aerosol is not just water vapor, but contains nicotine and can contain additional toxins, making it less safe than clean air and e-cigarette use has the potential to involuntarily expose children and adolescents, pregnant women, and non-users to aerosolized nicotine and, if the products are altered, to other psychoactive substances. Therefore, clean air, being free of both smoke and e-cigarette aerosol, remains the standard to protect health; and

WHEREAS, the use of e-cigarettes in places where smoking traditional tobacco products is prohibited could lead to difficulties in enforcing smoke-free policies and renormalize tobacco use, especially among youth; and

WHEREAS, the CDC reports that nearly 90 percent of smoking and smokeless tobacco use are frequently initiated and established before age 18, that most people who begin smoking during adolescence are addicted by the age of 20, and that adolescent smokeless tobacco users are more likely than nonusers to become adult cigarette smokers; and

WHEREAS, children model adult behavior and benefit from positive models of non-tobacco use behavior and positive reinforcement of healthy lifestyle messages through exposure to tobacco-free public areas; and

WHEREAS, experimentation with and use of e-cigarettes have risen sharply among young people according to the 2017 N.C. Youth Tobacco Survey: current use of electronic cigarettes among North Carolina high school students jumped by 894 percent from 1.7 percent in 2011 to 16.9 percent in 2017. A total of 28.3 percent of high school students said they are considering using electronic cigarettes in the next year. Overall tobacco use among NC high school students increased from 25.8 percent to 28.8 percent from 2011 to 2017; and

WHEREAS, in 2018, the U.S. Surgeon General issued an Advisory on the U.S. e-cigarette epidemic among youth, expressing concern that e-cigarettes are addicting youth and that exposure to nicotine can damage the developing brains of young people up to age 25; and

WHEREAS, in 2018 the U.S. Surgeon General issued an Advisory on the U.S. youth e-cigarette epidemic recommending including e-cigarettes in smoke-free indoor air policies as an evidence-based method to reduce e-cigarette use among young people; and

WHEREAS, Gaston County provides support to employees and residents who want to quit the use of tobacco products. Employees and residents are also encouraged to talk to their health care provider about quitting, ask about appropriate pharmacotherapy available through their health insurance plan or employee's insurer, and use the free quitting support services of the North Carolina Tobacco Use Quitline at 1-800-QUIT-NOW (1-800-784-869); and

NOW, THEREFORE the Gaston County Health and Human Services Board, having the authority cited herein, hereby adopts following Board of Health Rule:

Section 1. Definitions.

"County" means Gaston County government, including all agencies and departments of Gaston County government.

"Electronic Cigarette" or "E-cigarette" means an electronic oral device that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution or any other substance, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.

“Indoor Public Places” means any enclosed area to which the public is invited or which the public is permitted. A private residence is not a public place.

“Local Government Buildings” means a building owned, leased as lessor, or the area leased as lessee and occupied by a Unit of Local Government within Gaston County.

“Local Government Grounds” means an unenclosed area owned, leased, or occupied by a Unit of Local Government within Gaston County.

“Local Government Parks” shall mean any parcel of land or body of water comprising part of any Unit of Local Government’s parks, playgrounds, recreational areas, greenways, or trails.

“Local Government Vehicle” means a passenger-carrying vehicle owned, leased, or otherwise controlled by a Unit of Local Government within Gaston County, being either county owned or municipality owned, and assigned permanently or temporarily by local government to local government employees, agencies, institutions, or facilities for official business.

“Smoking” means the use of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product as well as Electronic Cigarettes.

“Tobacco” or “Tobacco Product” means any product containing or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, or ingested by any other means, including but not limited to cigarettes; e-cigarettes; cigars; little cigars; snuff; and chewing tobacco. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. Electronic Cigarettes are also considered to be a Tobacco Product.

“Unit of Local Government” shall mean Gaston County as well as any municipalities within Gaston County.

Section 2. Prohibition on Use of Tobacco Products.

Use of Tobacco Products is prohibited in all of the following areas:

- (a) Local Government Buildings, including the Gaston County Courthouse and its premises;
- (b) Local Government Grounds, including in private vehicles when those vehicles are located on the grounds of Units of Local Governments;
- (c) Local Government Vehicles;
- (d) Local Government Parks; and
- (e) Indoor Public Places

This prohibition is applicable in the entire geographic bounds of Gaston County, including the municipalities within Gaston County, but excluding property owned, leased, or maintained by the State of North Carolina. This Rule does not apply to the public streets and sidewalks within Gaston County or to public places that are not indoors.

Section 3. Signage and Removal of Ashtrays, Etc.

- (a) Signs giving notice of the prohibition of tobacco use shall be posted in, on or about all Local Government Buildings, Local Government Grounds, Local Government Vehicles, Local Government Parks and Indoor Public Places subject to this Rule.
- (b) As to buildings and grounds identified herein, signs shall be placed at all entrances giving notice of the prohibition of tobacco use under this Rule. Signs must be posted in other areas of buildings and grounds as reasonably calculated to inform employees and the public of the prohibition.
- (c) The signs shall be of sufficient size to be clearly legible to a person of normal vision, and be conspicuously posted.
- (d) The signs shall state the applicable prohibition (e.g. Use of Tobacco Products is Prohibited) and include the applicable universal symbol (e.g. the "No Smoking and Use of Tobacco Products Prohibited" symbol).
- (e) Persons in charge of vehicles identified herein shall post signs in Local Government Vehicles to give notice of the prohibition. The signs must be placed in a manner by which passengers will also be able to see the notice, but shall not interfere with the safe operation of the vehicle.
- (f) Persons in charge of buildings and grounds where tobacco use is prohibited by this Rule shall remove all publicly available ashtrays and other smoking receptacles from places where smoking and tobacco use is prohibited as defined herein.
- (g) The County Manager, or designee, shall determine whether signs should be posted in languages other than English and make the appropriate personnel aware of such need.

Section 4. Compliance and Enforcement.

- (a) **Penalty for Violation.** After verbal or written notice by the person in charge of an area described herein, or his or her designee, failure to cease smoking or using tobacco products may constitute an infraction punishable by a fine of not more than fifty dollars (\$50.00). A citation may be issued by a sworn law enforcement officer. Conviction of an infraction under this section has no consequence other than payment of a penalty, and no court costs may be assessed.
- (b) **Violations by persons who manage, operate, or control a public place.** The local Health Director may take the following actions and may impose the following administrative penalty on a person who manages, operates, or controls a public place and fails to comply with the provisions of this Rule.
 - i. First violation – Written notice of the person's first violation and notification of action to be taken in the event of subsequent violations.
 - ii. Second violation – Written notice of the person's second violation and notification of administrative penalties to be imposed for subsequent violations.
 - iii. Third and subsequent violations – Impose an administrative penalty of not more than two hundred dollars (\$200.00). Each day on which a violation occurs may be considered a separate and distinct violation.

Section 5. Public Education.

The County shall engage in an ongoing program to explain and clarify the purposes and requirements of this Rule to residents and businesses affected by it, and guide operators and managers in their compliance with it. In doing so, the County may rely on materials and information provided by the Gaston County Department of Health and Human Services. The County shall:

- (a) Educate the public about the Rule, and reasons for the Rule, prior to its implementation date through the news media, website and educational media. The education shall include information on resources for quitting tobacco use, including information about the free quitting support services of the North Carolina Tobacco use Quitline, 1-800 QUIT NOW (1-800-784-8669);
- (b) Educate the County's employees about how they can assist with compliance with this Rule as well as providing information about the free quitting support services of the North Carolina Tobacco Use Quitline, 1-800 QUIT NOW (1-800-784-8669);

Section 6. Abrogation.

This Rule supersedes any previous County, City, or Town ordinance regulating tobacco that is less restrictive than the rule as established herein. This Rule is not intended to repeal any greater restriction imposed by any other State law or local government ordinance. Whether the provisions of any other law, ordinance, regulation, or restriction impose higher standards than are required by the provisions of this Rule, this Rule does not prohibit the enforcement of any such law, ordinance, regulation, or restriction.

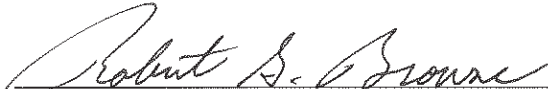
Section 7. Severability

Should any section of this Rule be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Rule as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 8. Effective Date.

This Rule shall become effective July 1, 2020 following adoption by the Gaston County Health and Human Services Board and approval of this Rule by an Ordinance adopted by the Gaston County Commissioners pursuant to North Carolina General Statute 153A-121(a).

ADOPTED this 4th day of April, 20 19.


Chair of the Board
Gaston County Health and Human Services Board

ATTEST:


Secretary to the Board
Gaston County Health and Human Services Board



Gaston County

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DHHS - Public Health Division Board Action

File #: 19-213

Commissioner Chad Brown - DHHS (Health Division) - To Accept and Appropriate Additional Grant Funds Received from the NC Department of Public Safety for the Juvenile Community Program, Strengthening Families **(100% Grant Funds - \$7,490)**

STAFF CONTACT

Carrie Meier- Community Health Education Administrator- DHHS Public Health Division - 704-853-5405

BUDGET IMPACT

Appropriate 100% Other Grant Funds.

BUDGET ORDINANCE IMPACT

Increase Other Grant revenue by \$7,490 and appropriate \$7,490 into JCPC - SF Grant project account.

BACKGROUND

The Gaston County Department of Health and Human Services - Public Health Division received additional Grant discretionary funds from the NC Department of Public Safety - Juvenile Community Program, Strengthening Families. These funds will be used to purchase materials and pay for a facilitator training for our Strengthening Families program which will enhance our delivery of the program and better enable families to receive the full intended benefit of the program. These are Non-County funds.

POLICY IMPACT

N/A

ATTACHMENTS

Budget Change Request

GASTON COUNTY BUDGET CHANGE REQUEST

TO: Earl Mathers COUNTY MANAGER

FROM: 5112 DHHS - Public Health
Dept. # Department Name

Chris Dobbins 5/13/2019
Department Director's Name Date

TYPE OF REQUEST:

☐ Line Item Transfer Within Department & Fund

☐ Line Item Transfer Between Funds *

☐ Project Transfer Within Department & Fund

☒ Additional Appropriation of Funds *

☐ Line Item Transfer Between Departments*

* Requires resolution by the Board of Commissioners

ACCOUNT DESCRIPTION (As it appears in the budget)	ACCOUNT NUMBER Fund - Function - Dept - Division - Object - Project xxx - xx - xxxx - xxxx - xxxxx - xxxxxx	AMOUNT Whole Dollars Only (See Note Below)
Other Grants FY19 JCPC - SF Grant	011-05-5112-5115-430000- 011-05-5112-5115-560000-19502	(\$7,490) \$7,490

JUSTIFICATION FOR REQUEST:

The Gaston County Department of Health and Human Services – Public Health Division received additional Grant discretionary funds from the NC Department of Public Safety - Juvenile Community Program, Strengthening Families. These funds will be used to purchase materials and pay for a facilitator training for our Strengthening Families program which will enhance our delivery of the program and better enable families to receive the full intended benefit of the program. These are Non-County funds.

Note: Decreases in expenditures & increases in revenue accounts require brackets. Increases in expenditures & decreases in revenue do not require brackets. Please note that transfers between funds require interfund transfer accounts.



Gaston County

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DHHS - Social Services Division Board Action

File #: 19-194

Commissioner Chad Brown - DHHS (Social Services Division) - Proclamation - To Proclaim the Month of May 2019 as *Older Americans Month*

STAFF CONTACT

Angela Karchmer - Division Director - DHHS - Social Services Division - 704-862-7930

BACKGROUND

In recognition of the valuable contribution made by Gaston County's older Americans, Gaston County would like to proclaim the month of May 2019 as Older Americans Month.

ATTACHMENTS

Proclamation



- WHEREAS, through a lifetime of contribution, older Americans have helped ensure the founding promise of our country remains within reach for their children and grandchildren, and their individual narratives reflect the extraordinary story of our nation; and,
- WHEREAS, Gaston County includes a community of older Americans who deserve recognition for their contributions, as they are trailblazers who advocate for themselves, their peers, and their communities—paving the way for future generations; and,
- WHEREAS, Gaston County is committed to raising awareness about issues facing older Americans and helping all individuals age in place and thrive in livable communities of their choice for as long as possible; and,
- WHEREAS, Gaston County appreciates the value of inclusion and support in helping older adults successfully contribute to and benefit from their communities; and,
- WHEREAS, in the spirit of “Connect, Create, and Contribute” Gaston County encourages older adults and their communities to:
- Connect with friends, family, and services that support participation.
 - Create by engaging in activities that promote learning, health, and personal enrichment.
 - Contribute time, talent, and life experience to benefit others.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners, in recognition of the valuable contributions made by Gaston County’s older Americans, proclaims the month of May 2019 as

OLDER AMERICANS MONTH

and encourage the contributions of older adults to build a stronger community! By engaging and supporting all community members, we recognize that older adults play a key role in the vitality of our neighborhoods, networks, and lives.

Tracy L. Philbeck, Chairman

Chad Brown, Vice-Chairman

Bob Hovis

Jack B. Brown

Tom Keigher

Allen R. Fraley

Ronald E. Worley

To be Adopted the 28th Day of May 2019



Gaston County

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DHHS - Social Services Division Board Action

File #: 19-193

Commissioner Chad Brown - DHHS (Social Services Division) - Proclamation - To Proclaim the Month of May 2019 as ***Foster Care Awareness Month***

STAFF CONTACT

Angela Karchmer - Division Director - DHHS - Social Services Division - 704-862-7930

BACKGROUND

To extend an appreciation to all foster parents, family members, volunteers, mentors, and child welfare professionals in Gaston County, who participate in the efforts to serve and support foster children.

ATTACHMENTS

Proclamation



WHEREAS, there are over 10,000 children in foster care in North Carolina, and 350 in Gaston County who depend on foster parents, family members, volunteers, mentors, policymakers, child welfare professionals, and other community members to help them find permanent homes and connections; and,

WHEREAS, Foster care provides a pivotal role in helping put families back together. It can never and should never replace families; and,

WHEREAS, a child's success is best supported in a system that is family-focused, child-centered, and community based; and,

WHEREAS, through the partnerships among foster parents, child welfare staff, and public and private child-serving organizations, efforts are made to ensure that children are safe and their voices are heard as we work for the success of every child; and,

WHEREAS, child welfare professionals work to achieve permanency for children through reunification with birth parents, kinship care, adoption, or legal guardianship; and,

WHEREAS, this annual observance calls attention to the value of foster care as a temporary service that provides help, healing and hope to children and youths in our county.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby proclaims the month of May 2019 as

FOSTER CARE AWARENESS MONTH

and extends its grateful appreciation to all foster parents, family members, volunteers, mentors, and child welfare professionals in Gaston County. Further, the Board commends this observance to its citizens as an opportunity for communities, businesses, faith-based organizations, and families to participate in efforts to serve foster children throughout the year.

Tracy L. Philbeck, Chairman

Chad Brown, Vice-Chairman

Bob Hovis

Jack B. Brown

Tom Keigher

Allen R. Fraley

Ronald E. Worley

To be Adopted the 28th Day of May 2019



Gaston County

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Finance Board Action

File #: 19-202

Commissioner Worley - Finance - To Accept as Information the Attached Property Tax Refunds Less than \$100. These Tax Refunds Should be Recorded in the Board's Minutes. (***Total Real Property Tax Refunds - \$6,451.99; Total HB20 Refunds - \$2,500.66; Total NCVTS Refunds - \$2,518.60; Total Vehicle Tax Refunds - \$5,019.26***)

STAFF CONTACT

Tiffany Murray - Finance Division Director - 704-866-3032

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

N.C. General Statute 105-381(b) authorizes the Board of Commissioners to delegate to the Finance Director the issuance of any property tax refunds less than \$100.

Recommended sources of funds: Offset against gross collection of property taxes.

These refunds are to be reported to the Board for inclusion in the minutes.

POLICY IMPACT

N/A

ATTACHMENTS

Tax Refunds Less than \$100 - Real Property Chart
Tax Refunds Less than \$100 - Vehicles Chart

**Gaston County, North Carolina - Listing of Property Tax Refunds Less Than \$100.00 for Real Property
To be Reported at the May 28, 2019 Board Meeting**

TAXPAYER NAME	AMOUNT	TAXPAYER NAME	AMOUNT
Abernathy, April Denise	3.08	Lewis, Paul Randall	7.90
Aleshire, Bobbie Jo	3.09	Lytton, Lisa L	99.36
Alexander, Ricky	78.60	M. Marlowe Parker	4.90
Armstrong, David J	16.02	Mayes Transport Service LLC	2.61
Bane, James	6.07	Meredih Jarman Cardenas	44.90
Bard, Isaac Thomas	60.45	Messer, Delbery	40.71
Bay National Title Company	1.15	Messer, Kimberly Ann	6.72
Bay National Title Company	49.28	Messer, Kimberly Ann	90.28
Blue Rock Investments LLC	1.70	Miller, Robert Scott	85.54
Braswell, Scott D	4.26	Myers, Marcus John	72.00
Brooks, Floyd B Jr & Bradley, Barbara B	44.94	Myers, Marcus John	72.00
Broome, Frances Jolynn	4.00	Nichols, Elvin	89.86
Bryant, Dean & Bryant, Cynthia	5.64	Norwood, Armstrong & Stokes, PLLC - IOLTA Trust Acct	12.00
Bullock Construction	69.92	Oliver, David C	50.57
Burtrum, Melissa Paysour	84.28	Palmer E. Huffstetler, Jr - Attorney IOLTA Trust Acct	13.29
Chestnut Distribution Inc	71.73	Pendleton, John L	95.88
Clark, James M	68.75	Pierre, Matthew M	89.91
Cloninger, Robert Scott	14.04	Reece, Matthew Wayne	97.61
Davis, Janet	34.65	Reynoso, Alfredo Sarafin	39.43
Davis, Perry Andre	84.38	Reynoso, Alfredo Sarafin	39.54
Deeptree Consulting	3.87	Robbins, Antonio Dionne	20.39
Dellinger, Charles Richard	1.87	Roberts, Donald L	23.23
Donaldson, Charles Voncannon III	28.08	Roberts, Nancy	3.00
Garland, Angela Jamigan	95.76	Rozzell, David C	60.34
Gaston County 2019 Prepay	85.88	Rozzell, David C	66.82
Hance & Hance, PA	4.00	Rozzell, David C	87.08
Haney, Jackie & Haney, Bertha	4.87	Rozzell, David C	93.76
Hanna, Kevin Todd	34.80	Saylor, Jeffrey Scott & Saylor, Sonja Michelle	1.31
Harris, Brenda Faye	13.18	Saylor, Marlene H	82.08
Harry Marsh Law - Real Estate Trust Account	18.83	Scruggs, Janet D	90.39
Harry Marsh Law - Real Estate Trust Account	20.00	Southern Law Group - NC Real Estate Trust Account	24.00
Hart, Rebecca	83.53	Vick, Terrence A	18.09
Hedrick, Kimberly Jewel	4.63	Walker, Randy Alanq	65.00
Hedrick, Kimberly Jewel	5.15	Warren L Tadlock - Chapter 13 Trustee	3.83
J. Barwick Construction LLC	90.52	Warren L Tadlock - Chapter 13 Trustee	4.12
Johnson, Linda	66.20	Warren L Tadlock - Chapter 13 Trustee	14.99
Kanipe, Daniel Shane	58.33	Westmoreland, James	68.17
Kurtz, Mildred D Hallman	25.91	White, James Leon	3.65
LaCount, James Daniel	54.24	Wilcox, Jeremy	9.49
LaCount, James Daniel	64.12	REAL PROPERTY TAX REFUNDS (MAR 2019)	\$ 3,264.55
Alexander, Ricky William	78.60	Moore, Jeffrey Todd Heirs	48.48
Armstrong, David J & Armstrong Dana F	4.15	Moore, Madison Paige	70.25
Arrowood, Henry W	33.49	Nichols Ephraim & Others	18.73
Bell, Calvin	5.54	Nixon, Michael A	18.68
Bell, Jerry Lee	18.41	Nixon, Sheila G	59.46
Bell, Jerry Lee	64.51	Nixon, Sheila G	59.68
Big Dog Towing & Recovery LLC	1.66	Nixon, Sheila G	59.68
Black, Donald R	64.86	Partlow, Willie M	25.17
Caldwell, Angela Denise	7.14	Penado-Castro Jose	57.88
Caldwell, Angela Denise	51.68	Penado-Castro Jose	60.86
Camp, Marc Joseph	42.56	Penado-Castro Jose	60.86
Chad Stroupe	3.70	Penado-Castro Jose	68.31
Christina Yandle	41.50	Pendleton, John L	25.67
Clinton, Joni M	77.91	Philbeck, Wendy R	40.00
Costner, Constance Raynor	48.00	Pressley, Johnny James	41.75
Crumbley, Kathy Stroupe	78.20	Prince Legal Services, PLLC	10.78
Crumbley, Kathy Stroupe	78.20	Reece, Matthew Wayne	90.88
Crumbley, Kathy Stroupe	78.20	Reeves, Stacey L	8.12
Crumbley, Kathy Stroupe	78.20	Reeves, Stacey L	9.15
Davis, Perry Andre	73.49	Rhodarmer, Heather	56.87
Dean Real Est Holding LLC	90.00	Rice, Tony B	73.94
Deese, Vicky C	96.38	Ricky W Alexander REV LIV TR	78.60
Dellinger, Betsy	13.90	Ronan, Shannon Cloninger	11.98
Dellinger, Maria Elaine	58.86	Roque, Linda Valentine	65.76
Dillenbeck Law PC	9.50	Rose, James Robert Jr	9.17
Dostie, Joseph W	20.04	Rozzell, David C	79.45
Dumizo, Joseph	13.91	Rozzell, David C	89.31
Duncan, Judy Ballard	71.69	Stann, Frederick R	1.35
Faggart, Steven M	1.81	Steele, James R	36.03
Frances Gail Haman	8.40	Stovall, Maria	2.68
Hopper, Jerry S	18.04	Trent, Susan Long	7.29
Hunter, William J	6.56	Warren L Tadlock - Chapter 13 Trustee	12.46
Johnny R McLean or Rosemary McLean	5.88	Webber, Lougene	80.24
Joni M Clinton	90.19	Wells Fargo Home Mortgage	34.92
Judy G Wilson & Kimberly Wagers	13.66	Workman, James Paul	34.10
Lacount, James Daniel	57.52	Youngblood, Robert Steven Jr	15.91
Lanier, Lucy B & Lanier, Ray E	3.93	Youngblood, Robert Steven Jr	32.41
Lineberger, Andrew J	28.00	REAL PROPERTY TAX REFUNDS (APR 2019)	\$ 3,187.44
MCBP Svcs LLC	36.14	TOTAL REAL PROPERTY TAX REFUNDS	\$ 6,451.99
Miller, Niles N	26.57		
Montgomery, Anthony	29.60		

**Gaston County, North Carolina - Listing of Property Tax Refunds Less Than \$100.00 for Vehicles
To be Reported at the May 28, 2019 Board Meeting**

TAXPAYER NAME	AMOUNT	TAXPAYER NAME	AMOUNT
HB20 Refunds			
Davis, Antoine Jr.	11.70	Pitts, Tamika Michelle	26.94
Gouacide, Kai Jason	1.14	Pitts, Tamika Michelle	38.80
Hall, Terri Lynn	75.00	Pitts, Tamika Michelle	39.38
Hamilton, Wilbert Antoine	90.36	Pitts, Tamika Michelle	39.46
Henderson, Benny Maurice	75.03	Ponder, Kay Tereasa	1.30
Johnson, Carol Swancey	39.71	Proctor, Jammette Domokiek	69.53
Johnson, Carol Swancey	87.97	Sawyer, Robert Christopher	27.03
Laabs, Billy Joe	94.16	Sawyer, Robert Christopher	46.88
Logan, Kahtandra Monique	40.65	Sawyer, Robert Christopher	75.00
Okeefe, Ashley Charlene	83.84	Sigismondi, Yolanda	40.00
Pastula, Christopher Thomas	34.07	Sigismondi, Yolanda	40.00
Pastula, Christopher Thomas	94.47	Smith, Meagan Raye	44.20
Peterson, Paralee Sue	11.10	TOTAL HB20 REFUNDS (March 2019)	\$ 1,227.72
HB20 Refunds			
Craig, Kimberly Johnson	7.00	Lowery, Leketra Shaunta	52.68
Craig, Kimberly Johnson	25.75	Patton, Jody Toriano	37.40
Craig, Kimberly Johnson	31.75	Perry, Travis Lerae	57.94
Davis, Antoine Jr	10.08	Perry, Travis Lerae	64.03
Davis, Antoine Jr	11.23	Pitts, Tamika Michelle	27.17
Davis, Antoine Jr	22.09	Pitts, Tamika Michelle	39.99
Davis, Antoine Jr	26.95	Pitts, Tamika Michelle	47.01
Hagans Violet S	93.78	Pitts, Tamika Michelle	50.74
Hankins, Donna Seay	43.12	Pitts, Tamika Michelle	56.99
Hatten, Sophia Antonett	4.31	Rhodes, Rodniqua Tashia	34.41
Hatten, Sophia Antonett	17.50	Robbins, Breanna Samone	9.32
Hayes, Joni Lee	72.00	Sigismondi, Yolanda	40.00
Jefferson, Twonya Lasonyette	35.85	Sigismondi, Yolanda	40.00
Jolly, Cortina Yvette	12.18	Sigismondi, Yolanda	40.00
Jolly, Cortina Yvette	55.08	Sigismondi, Yolanda	40.00
Littlejohn, Natasha Ann	39.66	Walker, Daniel Joe	55.64
Littlejohn, Natasha Ann	68.72	TOTAL HB20 REFUNDS (April 2019)	\$ 1,272.94
Lowery, Leketra Shaunta	2.57	TOTAL HB20 REFUNDS	\$ 2,500.66
NC VTS Refunds			
Abbasi, Muhammad Aamir	67.52	Hardin, Angela Juanita	17.33
Allison, Derek Lamont	52.15	Hargett, Lindsey Marie	69.58
Allison, Nanette Smith	28.67	Hart, Timothy Joseph	47.84
Antonio, Robert Alves	15.46	Holt, Timothy Mark	26.28
Baker, Wilma Robertson	33.06	Howell, Jennifer Rausa	71.53
Barnette, David Ernest	88.97	Hyatt, Caitlin Marie	32.31
Barrett, Tyler Joseph	16.66	Jones, Adam Wesley	11.50
Booth, Bryant Roberto	42.18	Killingsworth, Kenneth Wayne	78.07
Burrell, Jeffrey Glenn	77.77	Kirlin, David Russell	30.03
Carpenter, Donald Lee	38.96	Leopard, Carolyn Widener	83.29
Cauthran, Michael James	49.12	Manson, Samantha Gail Dawn	58.18
Clark, Timothy Lewis	78.51	McClain, Barbara Gibbs	6.70
Clint Clemmer Heating & Cooling	72.67	McCuen, David Keith	18.11
Coladarci, Karalyn Marie	83.31	Modlin, Robert Christian	57.24
Cole, John Russell	20.51	Puddy, William Oliver Jr	88.20
Contreras, Garcia Eduardo	57.74	Randall, Lance Timothy	30.00
Cook, Ashley Lynn	7.49	Reynolds, William Lawson	25.35
Cox, Clinton Bradley	22.57	Reynolds, William Lawson	25.82
Damon, Shawn Rochelle	39.09	Rosetti, Deborah McIntosh	23.40
Decristofor, Robert Eugene	29.93	Seagle, Eric Clay	86.11
Dufour, Gregory Arthur	83.53	Sedlacek-Lewis, Catherine Ann	19.03
Dunlap, Twuana Elaine	50.16	Shuler, John Robert	14.05
Egya-Ansah, Peter Jr	14.89	Smith, Clarissa Nichole	41.48
Ewing, Ann Wright	19.88	Sparks, Gail Eaker	22.84
Fielding, Charles Thomas	26.51	Sullivan, Christian Bernard	45.34
Flowers, Carla	76.63	T&L Grading	8.90
Foster, Frances Sullivan	45.19	Turner, Daniel James	19.05
Foster, Maurice Jan	40.07	Ugarte, Geronimo Solis	41.54
Garrison, Luther Miller	48.70	Wallace, Jean Greene	39.30
Gonzalez, Joel Ortiz	7.93	Wyatt, Kristina Hovis	4.01
Gossett, Theresa Wooten	40.36	TOTAL NCVTS REFUNDS	\$ 2,518.60
		TOTAL VEHICLE TAX REFUNDS	\$ 5,019.26



Gaston County

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Fire Marshal Board Action

File #: 19-212

Commissioner Chad Brown - Fire Marshal - To Appropriate Current Year Accumulated Revenues from the Fire Code Fees & Permits Revenue Account to the Fire Inspections Equipment Expense Account **(\$4,999)**

STAFF CONTACT

Keith Rapp - Emergency Management/Fire Marshal's Office - 704-862-6240

BUDGET IMPACT

Appropriation of \$4,999 in current year revenues to an expense account for equipment purchases. No County funds are required. Fire Code Fees and Permits Revenue Funds are not included in the adopted budget.

BUDGET ORDINANCE IMPACT

There is minimal impact to the current budget ordinance.

BACKGROUND

Funds have accumulated in Revenue Account Fire Code Fees & Permits and a portion is being appropriated to Equip. <\$5,000 to cover the cost of automation of the existing Fire Inspection Program.

POLICY IMPACT

N/A

ATTACHMENTS

Budget Change Request

GASTON COUNTY BUDGET CHANGE REQUEST

TO: Earl Mathers COUNTY MANAGER

FROM: 4340 Emergency Mgmt./Fire Marshal
 Dept. # Department Name

Keith Rapp 05/07/2019
 Department Director's Name Date

TYPE OF REQUEST:

☐ Line Item Transfer Within Department & Fund

☐ Line Item Transfer Between Funds *

☐ Project Transfer Within Department & Fund

☒ Additional Appropriation of Funds *

☐ Line Item Transfer Between Departments*

* Requires resolution by the Board of Commissioners

ACCOUNT DESCRIPTION (As it appears in the budget)	ACCOUNT NUMBER <small>Fund - Function - Dept - Division - Object - Project</small> xxx - xx - xxxx - xxxx - xxxxx - xxxxxx	AMOUNT Whole Dollars Only (See Note Below)
Fire Code Fees & Permits	010-02-4340-0000-410018	(4,999)
Equip. <\$5,000: Fire Inspection Funds	010-02-4340-0000-540001-19077	4,999

JUSTIFICATION FOR REQUEST:

To appropriate \$4,999 from the Fire Code Fees & Permits (Revenue Account) to expense account Equip. <\$5,000: Fire Inspection Funds to cover the cost of automation of the existing Fire Inspection Program.

Note: Decreases in expenditures & increases in revenue accounts require brackets. Increases in expenditures & decreases in revenue do not require brackets. Please note that transfers between funds require interfund transfer accounts.



Gaston County

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Gaston Emergency Medical Services (GEMS)

Board Action

File #: 19-196

Commissioner Fraley - Gaston Emergency Medical Services - Proclamation - To Proclaim the Week of May 19-25, 2019 as Emergency Medical Services Week in Gaston County

STAFF CONTACT

Mark Lamphiear - EMS- 704-866-3202

BACKGROUND

N/A

ATTACHMENTS

Proclamation



WHEREAS, Emergency Medical Services is an essential public safety service; and,

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and,

WHEREAS, access to quality emergency medical care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and,

WHEREAS, the emergency medical services system consists of physicians, nurses, emergency medical technicians, paramedics, firefighters, law enforcement officers, telecommunicators, and others; and,

WHEREAS, the members of emergency medical services teams engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and,

WHEREAS, the residents and visitors of Gaston County benefit daily from the knowledge and skills of these highly trained individuals; and,

WHEREAS, it is appropriate to recognize the value and accomplishments of emergency medical services providers by designating Emergency Medical Services Week.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby proclaims the week of May 19-25, 2019 as

EMERGENCY MEDICAL SERVICES WEEK

in Gaston County, and call upon all citizens to observe this period with appropriate events, programs, and activities.

Tracy L. Philbeck, Chairman

Chad Brown, Vice-Chairman

Bob Hovis

Jack B. Brown

Tom Keigher

Allen R. Fraley

Ronald E. Worley

To be Adopted the 28th Day of May 2019



Gaston County

Gaston County
Board of Commissioners
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Library Board Action

File #: 19-209

Commissioner Worley - Library - To Appropriate State Aid to Libraries Grant and Approve Carry Forward of Remaining Funds to FY 2020 (***Grant Funds - \$226,950***)

STAFF CONTACT

Sandy Hunnicutt - Library - 704-868-2164 Ext 5520

BUDGET IMPACT

Appropriate state grant revenues. Reduces original grant revenue budget to actual award amount. Requires the appropriation of \$235,000 from fund balance.

BUDGET ORDINANCE IMPACT

Decrease revenue by \$8,050 and appropriate \$226,950 into State Aid grant expenditure project.

BACKGROUND

The Gaston County Library was awarded \$226,950 in State Aid to Public Libraries funding from the NC Department of Cultural Resources for FY 2019. These state funds cannot be used to replace or supplant county funding. In the FY 2019 adopted budget only revenues were budgeted for the grant. The expenditures were omitted due to an oversight. Also the actual grant award is \$8,050 less than the estimate included in the FY 2019 budget. This Board Action and attached Budget Change Request appropriates the FY 2019 State Aid award of \$226,950 into an expenditure project and reduces the revenue budget to the actual grant award. This appropriation and correction requires \$235,000 to be appropriated out of fund balance. Any unspent funds remaining at June 30, 2019 is requested to be carried forward to FY 2020.

POLICY IMPACT

N/A

ATTACHMENTS

Budget Change Request

GASTON COUNTY BUDGET CHANGE REQUEST

TO: Earl Mathers COUNTY MANAGER

FROM: 6110 Library
 Dept. # Department Name

Laurel Morris 5/3/2019
Department Director's Name Date

TYPE OF REQUEST:

☐ Line Item Transfer Within Department & Fund

☐ Line Item Transfer Between Funds *

☐ Project Transfer Within Department & Fund

☒ Additional Appropriation of Funds *

☐ Line Item Transfer Between Departments*

* Requires resolution by the Board of Commissioners

ACCOUNT DESCRIPTION (As it appears in the budget)	ACCOUNT NUMBER	AMOUNT
	Fund - Function - Dept - Division - Object - Project	Whole Dollars Only
	xxx - xx - xxxx - xxxx - xxxxx - xxxxxx	(See Note Below)
State Aid to Libraries	010-04-6110-6110-560000-19576	226,950
State Aid: Public Library	010-04-6110-6110-425071	8,050
Fund Balance Appropriated	010-99-9900-0000-490000	(235,000)

JUSTIFICATION FOR REQUEST:

The Gaston County Public Library was awarded \$226,950 in State Aid to Public Libraries funding from the NC Department of Cultural Resources for FY 2019. This Board Action and attached Budget Change Request appropriates the FY 2019 State Aid award of \$226,950 into an expenditure project and reduces the revenue budget to the actual grant award. This appropriation and correction requires \$235,000 to be appropriated out of fund balance.

Note: Decreases in expenditures & increases in revenue accounts require brackets. Increases in expenditures & decreases in revenue do not require brackets. Please note that transfers between funds require interfund transfer accounts.



Gaston County

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Police Department

Board Action

File #: 19-189

Commissioner Worley - Police Department - Request to Surplus and Sale 2003 GMC Envoy

STAFF CONTACT

Chief J. D. Ramey - Gaston County Police Department - 704-866-3321

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

During fiscal year 2012 the Gaston County Police Department received a 2003 GMC Envoy (Vin#1GKDS13S632365411) through the U.S. Department of Treasury asset forfeiture program. Due to the vehicle's mileage (nearly 200,000) the Gaston County Police Department requests that it be surplus and offered for purchasing to the Cramerton Police Department for a sum of \$1.00. This vehicle will be used for investigative purposes by the Cramerton Police Department.

POLICY IMPACT

N/A

ATTACHMENTS

Letters of Request



GASTON COUNTY POLICE



MAILING ADDRESS: P.O. BOX 1578 GASTONIA, N.C. 28053-1578
420 W. FRANKLIN BLVD., GASTONIA, N.C. 28052
TELEPHONE NUMBER: (704) 866-3320 FAX NUMBER: (704) 862-6322


Joseph D. Ramey
Chief of Police

1*

Captain W. P. Downey
Special Investigations Unit

March 28, 2019

To: Chief J. D. Ramey 
Assistant Chief A. S. Mauney 

From: Captain W. P. Downey 

Re: Surplus Vehicle for Cramerton PD

Several months ago I spoke with Sgt. Dan Harris of the Cramerton Police Department about the possibility of his Agency taking ownership of one of our undercover vehicles to be used in covert investigation. He requested I let him know when we were going to surplus vehicles. About a month ago, Sam Kaylor advised the GMC Envoy and Honda Accord were going to both be surplused. He advised it should not be an issue for Cramerton to purchase the vehicle but a Board Action would be required.

I notified Sgt. Harris about the two vehicles. He, along with Captain N. Jones, came to our office and looked at both vehicles. Both advised they would like to obtain the GMC if possible. Shortly thereafter, I have received a request from Chief Brad Adams of the Cramerton Police Department to purchase the 2003 GMC Envoy. From my understanding, the vehicle was a federal seizure and was turned over to our Agency in 2012. The vehicle sits at nearly 200,000 miles.

Sgt. Hall received a copy of the Certificate of Title from Sam Kaylor. I have included the title and the request letter from Chief Adams as well. At this point, a resolution would have to be drafted and submitted to the Board of Commissioners (from what I have been told). If I need to do anything further to make this possible for Cramerton Police, please advise me. Thank you in advance for your assistance.



CRAMERTON POLICE DEPARTMENT



Chief Ramey,

The Cramerton Police Department would like to request the transfer of the Chevrolet Envoy (Vin #1GKDS13S632365411), from the Gaston County Police Department to us for the sum of 1 dollar. The requested asset is to be utilized by our department for investigative purposes. Thank you for consideration of this request.

Respectfully,

A handwritten signature in black ink, appearing to read "William B Adams", followed by a long horizontal line.

William B Adams
Chief of Police



Gaston County

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Police Department

Board Action

File #: 19-149

Commissioner Worley - Police Department/Sheriff's Office - Proclamation - To Proclaim May 12 - 18, 2019 as Law Enforcement Week and May 16th as Peace Officer's Memorial Day in Gaston County

STAFF CONTACT

Chief Joseph D. Ramey - Gaston County Police Department - 704-866-3321
Sheriff Alan Cloninger - Gaston County Sheriff's Office - 704-869-6860

BACKGROUND

N/A

ATTACHMENTS

Proclamation



WHEREAS, it is important for the people of Gaston County and its municipalities to know and understand the problems, duties, and responsibilities of our law enforcement officers and agencies. We applaud the members of those agencies for recognizing their duty to serve the people by safeguarding life and property, by protecting people against violence and disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and,

WHEREAS, our nation, more than ever, depends upon local law enforcement as our first line of defense. The men and women of these agencies give of themselves day in and day out to preserve our homeland security; and,

WHEREAS, in 2018, 104 peace officers across the nation and 3 from North Carolina alone were killed in the line of duty; and,

WHEREAS, the members of law enforcement agencies of Gaston County and its municipalities play a vital role in safeguarding the rights and freedom of our local citizens.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners proclaims May 12 – 18, 2019 as **Law Enforcement Week** in Gaston County and May 16, 2019 as

PEACE OFFICER'S MEMORIAL DAY

and join law enforcement officers nationwide in honoring their fallen comrades and urge Gaston County citizens to commemorate law enforcement officers, past and present.

BE IT FURTHER RESOLVED that the citizens of Gaston County recognize and appreciate the contributions made by their local law enforcement officers for handling the difficult situations they encounter on a daily basis.

Tracy L. Philbeck, Chairman

Chad Brown, Vice-Chairman

Bob Hovis

Jack B. Brown

Tom Keigher

Allen R. Fraley

Ronald E. Worley



Gaston County

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Police Department

Board Action

File #: 19-225

Commissioner Worley - Police Department - To Accept and Appropriate Discretionary Funds from the Juvenile Community Programs Section for the JCPC Community Outreach, Juvenile Restitution, Teen Court and Strengthening Families (**100% State Funds - \$14,218**)

STAFF CONTACT

Chief J. D. Ramey - Gaston County Police Department - 704-866-3321

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

The North Carolina Department of Public Safety, Adult Corrections and Juvenile Justice - Juvenile Community Programs offered discretionary funding to JCPC programs statewide that needed additional funds. Four of the currently funded Gaston County JCPC programs applied for and were awarded these funds:

- Community Outreach requested and was approved by DPS for \$2,200 for food and activities for the summer program and van maintenance.
- Juvenile Restitution requested and was approved by DPS for \$2,828 for van insurance and a computer purchase.
- Teen Court requested and was approved by DPS for \$1,700 for office supplies, volunteer recruitment, and food.
- Strengthening Families requested and was approved by DPS for \$7,490 for facilitator training manuals and training supplies used in parent classes.

These funds were approved by the Gaston County Juvenile Crime Prevention Council (JCPC) on May 14, 2019 Meeting.

POLICY IMPACT

N/A

ATTACHMENTS

Budget Change Request and NC DPS-Community Programs Award Letters

GASTON COUNTY BUDGET CHANGE REQUEST

TO: Earl Mathers COUNTY MANAGER

FROM: 5830 Juvenile Crime Prevention Council
Dept. # Department Name

Chief J. D. Ramey 05/14/2019
Department Director's Signature Date

TYPE OF REQUEST:

☐ Line Item Transfer Within Department & Fund

☐ Line Item Transfer Between Funds *

☐ Project Transfer Within Department & Fund

☒ Additional Appropriation of Funds *

☐ Line Item Transfer Between Departments*

* Requires resolution by the Board of Commissioners

Resolution #

Date

ACCOUNT DESCRIPTION (As it appears in the budget)	ACCOUNT NUMBER Fund - Dept - Subdept - Div - Acct - Subacct xx - xxxx - xxxx - xxxx - xxx - xxx	PROJECT SUBPROJECT xxxxx - xxxx	AMOUNT Whole Dollars Only (See Note Below)
Teen Court	010-05-5830-0000-560010-19528		1,700
Juvenile Restitution	010-05-5830-0000-560010-19529		2,828
Strengthening Families	010-05-5830-0000-560010-19531		7,490
Community Outreach	010-05-5830-0000-560010-19532		2,200
Juvenile Justice Revenue Account	010-05-5830-0000-425103		(14,218)

JUSTIFICATION FOR REQUEST:

The North Carolina Department of Public Safety awarded discretionary funds to four JCPC programs. This Budget Change Request is to appropriate the funds approved by the state to those programs.

APPROVAL SIGNATURES:

County Manager/Interim Assistant County Manager Date

Financial Operations Manager/Asst. Financial Operations Mgr. Date

Interim Budget Administrator Date

Note: Decreases in expenditures & increases in revenue accounts require brackets. Increases in expenditures & decreases in revenue do not require brackets. Please note that transfers between funds require interfund transfer accounts.



North Carolina Department of Public Safety

Adult Correction and Juvenile Justice-Juvenile Community Programs

Roy Cooper, Governor
Erik A. Hooks, Secretary

Reuben F. Young, Interim Chief Deputy Secretary
William L. Lassiter, Deputy Secretary
Cindy Porterfield, Director

May 7, 2019

Dear Ms. Meier:

Congratulations! The Juvenile Community Programs Section is pleased to announce that Strengthening Families has been awarded discretionary funding in the amount of \$7,490.00 for FY 2018-19! This award is to fund the requested facilitator training manuals and training supplies. In order to complete the award process, please access NCALLIES, complete a Program Agreement Revision, and prompt your Area Consultant via email once the revision is completed. Also, please be mindful that discretionary awarded funds require a local match. (Note: The purchase of equipment or capital outlay requires a cash match. As an exception, increases to a JCPC Administrative budget do not require cash match.)

We provide this notification of discretionary fund awards to ensure that all local approvals by the JCPC and local county commission boards may be accomplished. Please note the following timeline to insure timely disbursement of discretionary fund awards:

- **May 7, 2019 (COB)** Discretionary Award Notifications made to providers/ JCPCs.
- **May 7, 2019 - May 15, 2019** - Programs/JCPCs awarded discretionary funds submit Program Agreement Revisions in NCALLIES for Consultant review, approval, and release for DocuSign electronic signatures.

Note: Program providers must follow the practices of the local JCPC when requesting discretionary funds to insure that JCPCs and County Commission Boards have ample time to approve county allocation increases via discretionary awards.

- **Programs completing all Program Agreement Revision e-signatures prior to May 24th will be eligible for a May disbursement.** The section will complete a second disbursement the last week of May to counties. Program Revisions e-signed by May 31th will receive funds in the June disbursement.

Thank you for your continued investment in the youth and families of North Carolina through the valuable services that you offer. It is our hope that this discretionary fund award will further enhance the services provided to our youth by your agency.

Kind regards,

Cindy Porterfield, Director
Juvenile Community Programs

Cc: JCPC Chairperson
County Finance Officer

MAILING ADDRESS:
4212 Mail Service Center
Raleigh, NC 27699-4212

www.ncdps.gov



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STATE OFFICE LOCATION:
3010 Hammond Business Place
Raleigh, NC 27603
Telephone: (919) 733-3388



North Carolina Department of Public Safety

Adult Correction and Juvenile Justice-Juvenile Community Programs

Roy Cooper, Governor
Erik A. Hooks, Secretary

Reuben F. Young, Interim Chief Deputy Secretary
William L. Lassiter, Deputy Secretary
Cindy Porterfield, Director

May 7, 2019

Dear Ms. Farmer:

Congratulations! The Juvenile Community Programs Section is pleased to announce that Juvenile Restitution has been awarded discretionary funding in the amount of \$2,828.00 for FY 2018-19! This award is to fund the requested insurance for vehicle and computer purchase. In order to complete the award process, please access NCALLIES, complete a Program Agreement Revision, and prompt your Area Consultant via email once the revision is completed. Also, please be mindful that discretionary awarded funds require a local match. (Note: The purchase of equipment or capital outlay requires a cash match. As an exception, increases to a JCPC Administrative budget do not require cash match.)

We provide this notification of discretionary fund awards to ensure that all local approvals by the JCPC and local county commission boards may be accomplished. Please note the following timeline to insure timely disbursement of discretionary fund awards:

- **May 7, 2019 (COB)** Discretionary Award Notifications made to providers/ JCPCs.
- **May 7, 2019 - May 15, 2019** - Programs/JCPCs awarded discretionary funds submit Program Agreement Revisions in NCALLIES for Consultant review, approval, and release for DocuSign electronic signatures.

Note: Program providers must follow the practices of the local JCPC when requesting discretionary funds to insure that JCPCs and County Commission Boards have ample time to approve county allocation increases via discretionary awards.

- **Programs completing all Program Agreement Revision e-signatures prior to May 24th will be eligible** for a May disbursement. The section will complete a second disbursement the last week of May to counties. Program Revisions e-signed by May 31th will receive funds in the June disbursement.

Thank you for your continued investment in the youth and families of North Carolina through the valuable services that you offer. It is our hope that this discretionary fund award will further enhance the services provided to our youth by your agency.

Kind regards,

Cindy Porterfield, Director
Juvenile Community Programs

Cc: JCPC Chairperson
County Finance Officer

MAILING ADDRESS:
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Raleigh, NC 27699-4212

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North Carolina Department of Public Safety

Adult Correction and Juvenile Justice-Juvenile Community Programs

Roy Cooper, Governor
Erik A. Hooks, Secretary

Reuben F. Young, Interim Chief Deputy Secretary
William L. Lassiter, Deputy Secretary
Cindy Porterfield, Director

May 7, 2019

Dear Ms. Farmer:

Congratulations! The Juvenile Community Programs Section is pleased to announce that Teen Court has been awarded discretionary funding in the amount of \$1,700.00 for FY 2018-19! This award is to fund the requested food and provisions, office supplies, and volunteer recruitment. In order to complete the award process, please access NCALLIES, complete a Program Agreement Revision, and prompt your Area Consultant via email once the revision is completed. Also, please be mindful that discretionary awarded funds require a cash match. (Note: The purchase of equipment or capital outlay requires a cash match. As an exception, increases to a JCPC Administrative budget do not require cash match.)

We provide this notification of discretionary fund awards to ensure that all local approvals by the JCPC and local county commission boards may be accomplished. Please note the following timeline to insure timely disbursement of discretionary fund awards:

- **May 7, 2019 (COB)** Discretionary Award Notifications made to providers/ JCPCs.
- **May 7, 2019 - May 15, 2019** - Programs/JCPCs awarded discretionary funds submit Program Agreement Revisions in NCALLIES for Consultant review, approval, and release for DocuSign electronic signatures.
Note: Program providers must follow the practices of the local JCPC when requesting discretionary funds to insure that JCPCs and County Commission Boards have ample time to approve county allocation increases via discretionary awards.
- **Programs completing all Program Agreement Revision e-signatures prior to May 24th will be eligible for** a May disbursement. The section will complete a second disbursement the last week of May to counties. Program Revisions e-signed by May 31th will receive funds in the June disbursement.

Thank you for your continued investment in the youth and families of North Carolina through the valuable services that you offer. It is our hope that this discretionary fund award will further enhance the services provided to our youth by your agency.

Kind regards,

Cindy Porterfield, Director
Juvenile Community Programs

Cc: JCPC Chairperson
County Finance Officer

MAILING ADDRESS:
4212 Mail Service Center
Raleigh, NC 27699-4212

www.ncdps.gov



An Equal Opportunity Employer

STATE OFFICE LOCATION:
3010 Hammond Business Place
Raleigh, NC 27603
Telephone: (919) 733-3388



North Carolina Department of Public Safety

Adult Correction and Juvenile Justice-Juvenile Community Programs

Roy Cooper, Governor
Erik A. Hooks, Secretary

Reuben F. Young, Interim Chief Deputy Secretary
William L. Lassiter, Deputy Secretary
Cindy Porterfield, Director

May 7, 2019

Dear Ms. Farmer:

Congratulations! The Juvenile Community Programs Section is pleased to announce that Community Outreach has been awarded discretionary funding in the amount of \$2,200.00 for FY 2018-19! This award is to fund the requested food for summer program, van maintenance, and summer youth activities. In order to complete the award process, please access NCALLIES, complete a Program Agreement Revision, and prompt your Area Consultant via email once the revision is completed. Also, please be mindful that discretionary awarded funds require a local match. (Note: The purchase of equipment or capital outlay requires a cash match. As an exception, increases to a JCPC Administrative budget do not require cash match.)

We provide this notification of discretionary fund awards to ensure that all local approvals by the JCPC and local county commission boards may be accomplished. Please note the following timeline to insure timely disbursement of discretionary fund awards:

- **May 7, 2019 (COB)** Discretionary Award Notifications made to providers/ JCPCs.
- **May 7, 2019 - May 15, 2019** - Programs/JCPCs awarded discretionary funds submit Program Agreement Revisions in NCALLIES for Consultant review, approval, and release for DocuSign electronic signatures.

Note: Program providers must follow the practices of the local JCPC when requesting discretionary funds to insure that JCPCs and County Commission Boards have ample time to approve county allocation increases via discretionary awards.

- **Programs completing all Program Agreement Revision e-signatures prior to May 24th will be eligible for a May disbursement.** The section will complete a second disbursement the last week of May to counties. Program Revisions e-signed by May 31th will receive funds in the June disbursement.

Thank you for your continued investment in the youth and families of North Carolina through the valuable services that you offer. It is our hope that this discretionary fund award will further enhance the services provided to our youth by your agency.

Kind regards,

Cindy Porterfield, Director
Juvenile Community Programs

Cc: JCPC Chairperson
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Gaston County

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Public Works

Board Action

File #: 19-217

Commissioner Keigher - Public Works - To Approve the Qualifications Based Selection of Ramey Kemp & Associates, Inc. and Authorize the County Manager to Execute a Professional Services Agreement to Provide Planning and Design Services for the Lowell Poston Park Sidewalk Connector Project (CMAQ Project C-5606J) Contingent Upon Receipt of NCDOT Approval of Contract Documents. **(No Additional County Funds Required)**

STAFF CONTACT

Ray Maxwell, PE, Director - Public Works - 704-862-7551

BUDGET IMPACT

No Additional County Funds Required.

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

On November 17, 2017 the Gaston County Board of Commissioners approved Resolution 2017-271 to accept and appropriate Federal Congestion Mitigation and Air Quality (CMAQ) Grant funding for the Lowell to Poston Park Sidewalk Connector Project. This federal grant (C-5606J) will provide funding for the design and construction of a sidewalk along Main Street/Lowell Spencer Mountain Road from the existing sidewalk at the Lowell Municipal Limits to the entrance of George Poston Park.

Upon receiving authorization from NCDOT for the above project, a Request for Letters of Interest was advertised on January 16, 2019. Five (5) Letters of Interest were received by the posted deadline of February 20, 2019. The local selection committee comprised of four (4) Public Works staff reviewed each of the LOI submissions and selected Ramey Kemp & Associates, Inc. as the most qualified firm. NCDOT reviewed the selection process and provided concurrence with the selection of Ramey Kemp & Associates, Inc. and authorized the County to commence negotiations with this firm to perform the required Planning & Design Services. The proposed lump sum cost for Planning & Design Services is \$124,022.72.

Approval of this Board Action authorizes the County Manager or his designee to execute the agreement for Planning & Design Services. Contingent upon receipt of NCDOT approval of professional services contract documents.

POLICY IMPACT

N/A

ATTACHMENTS

N/A



Gaston County

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Board of Commissioners
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Public Works

Board Action

File #: 19-224

Commissioner Philbeck - Public Works - To Authorize Nixon Power Services as a Sole Source Provider for a Jenbacher 420 Engine Block and Associated Parts and Service

STAFF CONTACT

Ray Maxwell, P.E., Public Works Director - 704-862-7551

BUDGET IMPACT

No additional County funds.

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

Gaston County Renewable Energy Center (REC) produces power by utilizing methane from the Landfill. Recently the REC suffered a catastrophic failure on the #1 generator. Due to the potential hazardous impacts to human health and the environment over the non-destruction of the methane, an emergency purchase was approved. Staff has procured quotes for replacements blocks from Nixon Power Services. This Board Action is requesting retroactive approval for a sole source purchase per the sole source bidding exception per GS 143-129(e)(6) from Nixon Power Services. The justification for the sole source purchase is due to the engine block only being available from one source. Approval of this Board Action authorizes staff to complete this purchase and install. No additional appropriation of funds is required.

POLICY IMPACT

N/A

ATTACHMENTS

Sole Source Letter from GE Power



GE Power

David Morris
Key Account Channel Manager- North America
Distributed Power

7335 Polo Hill
Cumming, GA 30040
USA

Telephone (770) 331-6336
Email : david.morris@ge.com

January 5, 2018

Ron Stanley,
President & CEO, Nixon Power
5038 Thoroughbred Lane
Brentwood, TN 37027 USA

Subject: Channel Partner Formal Statement

Dear Mr. Stanley,

This letter confirms that Nixon Power Services, LLC, with its principal place of business at 5038 Thoroughbred Lane, Brentwood TN 37027, USA, currently holds a Distributor Agreement (the "Agreement") with GE Distributed Power, Inc. ("Manufacturer") having its principal place of business at Achenseestraße 1-3, A-6200, Jenbach, Austria ("Manufacturer").

Manufacturer hereby confirms that Nixon Power Services, LLC is currently its only appointed distributor in the United States for the States Alabama, Arkansas, Florida, Georgia, Kentucky Louisiana, Maryland, Mississippi, North Carolina, South Carolina Tennessee, Virginia and West Virginia. As such they are authorized to sell new Jenbacher equipment, genuine Jenbacher repair and service parts, as well provide service, repair and warranty work pursuant to their contract with Manufacturer, within that territory.

This letter is valid for twelve (12) months after issuance or expiration or termination of the Agreement, whichever occurs first. If you have any questions, please do not hesitate to contact me.

A handwritten signature in cursive script that reads 'David Morris'.

David Morris



Gaston County

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Tax Board Action

File #: 19-208

Commissioner Fraley - Tax Collections - Pursuant to G.S. 105-381, the Tax Collector Requests that the April Tax Refunds be Made. (***Real Estate - \$21,379.41; Vehicles and ETC - \$970.36; VTS Refunds - \$5,501.60; Grand Total - \$27,851.37***)

STAFF CONTACT

Luke Sisk - Tax Collections Administrator - 704-866-3034

BACKGROUND

The Gaston County Tax Collector has examined the requests for refunds and has determined that the requests are properly authorized by statute and should be granted and the persons and/or firms listed below have requested the refund of taxes paid pursuant to GS 105-381(b).

The Board of Commissioners authorized payment of refunds to said persons and/or firms in the amounts stated with such funds coming from Account 010-00-0000-0000-23010.

ATTACHMENTS

Tax Refunds Listing for April 2019

TAXPAYER NAME	OWNER NAME	AMOUNT
APRIL 2019 REAL ESTATE		
Adams, Robert Lee II		\$142.44
Adams, Robert Lee II		\$139.64
Alexander, Ricky		\$157.20
Alexander, Ricky W		\$157.19
Allen, William F		\$2,685.68
Beaty, Charles D		\$132.26
Black, Donald R		\$108.54
Brooks, Jennifer M		\$295.37
Bryant, Anthony G		\$255.41
C & D Property Management		\$1,441.00
Cook, Timothy Clark		\$303.29
Cook, Timothy Clark		\$303.29
Crosby, Stephanie R		\$172.84
Crosby, Stephanie R		\$148.86
Cruise, Sandra V		\$146.87
Dean, Paula		\$245.22
Dunlap, Laura Pettus		\$175.00
Evans, Kevin C		\$139.73
Evans, Kevin C		\$139.73
Faggart, Steven M		\$198.21
Fletcher, Jerry L		\$430.85
Foley, Linda Gail		\$238.94
Gaston County Tax Dept		\$130.51
Geiger, Scott L		\$227.23
Goings, Angela		\$159.37
Green, Alfred W		\$116.40
Green, Alfred W		\$128.05
Green, Alfred W		\$298.71
Green, Alfred W		\$159.31
Green, Alfred W		\$131.02
Griffin, Ronald Matt		\$303.73
Henderson, Michael D		\$174.00
Henderson, Michael D		\$174.00
Hicks, Jacquelyn		\$108.10
Ivester, Linda Frank		\$180.44
Ivester, Linda Frank		\$198.62
Johns, Anthony		\$352.48
Johns, Rebecca		\$332.10
Koutsoupas, George		\$222.55
Lacount, James Daniel		\$108.56
Lacount, James Daniel		\$112.26
Lewis, Robert S		\$309.82
Martin, Joy Wilkes		\$182.34
Martin, Kenneth B		\$344.03
Martin, Kenneth B		\$271.55
Mason, Michelle S		\$221.15
Miller, Niles N		\$126.63
Montgomery, Anthony		\$135.81
Moss, William Michael		\$144.00
Mr Cooper		\$300.00
Myers, Christopher		\$420.00
Neesmith, Daniel		\$148.16
Neesmith, Daniel		\$119.08
Ottinger, Kenneth A		\$437.76

TAXPAYER NAME	OWNER NAME	AMOUNT
APRIL 2019 REAL ESTATE (Continued)		
Pendleton, John L		\$112.84
Pendleton, John L		\$129.98
Pendleton, John L		\$130.69
Randall, Don R Jr		\$404.08
Randall, Don R Jr		\$404.08
Rhyne, Tracy L		\$363.74
Rozzell, David C		\$111.58
Rozzell, David C		\$127.51
Rozzell, David C		\$132.40
Stafford Logistics Inc		\$3,301.46
Stillwell, Jill C		\$253.09
Sutton, Harold Dean		\$106.25
Tanner, Stephen M		\$108.40
Van Pelt, Ralph D Jr		\$648.98
West, Tommie E		\$109.00
TOTAL		\$21,379.41
APRIL 2019 VEHICLES & ETC		
Hughes, Frantee S		\$152.77
Jolly, Cortina Y		\$117.27
Robbins, Breanna S		\$131.32
Stephens, Shannon		\$569.00
TOTAL		\$970.36
APRIL VTS REFUNDS		
Arcadia Valdiva, Amador		\$253.75
Bates, Doyle Glenn		\$140.91
Belcher, Brian Victor		\$110.58
Bernadib, Yudiutomo Imardjoko		\$223.10
Clemmer, Justin William		\$102.88
Collins, Jimmy Clinton		\$364.98
Curtis, Stacy Deanna		\$166.83
Davis, Jeffrey Lee		\$281.40
Devine, John Douglas		\$125.48
Ford, Timothy Edward		\$115.29
Garr, Jack Ernest		\$100.61
Hawkins, Melissa Ann		\$231.39
Ingram, Willie Ralph		\$109.54
John E Jenkins Inc		\$249.80
Lang, Tony Keith		\$110.82
Lincoln County Tax Department		\$300.34
McVoy, Jeremiah David		\$224.16
Moses, Jody Lee		\$193.11
Partlow, Tony Lamar		\$226.19
Pichardo, Johanna Torres		\$287.98
Rhoten, Matthew Kevin		\$121.38
Rose, Melinda Lineberger		\$180.41
Slezak, Jacek		\$370.37
Smith, Radford Dennis		\$154.27
Soots, Jeffrey Ray		\$108.46
Thacker, Larry Ray Jr		\$183.46
Welch, James Samuel		\$138.54
Williams, Ashley Patrice		\$325.57
TOTAL		\$5,501.60
GRAND TOTAL		\$27,851.37



Gaston County

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Sheriff's Office

Board Action

File #: 19-216

Commissioner Worley - Sheriff's Office - To Accept Unified Technology Systems as a Sole Source Vendor for the Purchase of Two Smart Boards **(\$24,958)**

STAFF CONTACT

Alan Cloninger - Sheriff - 704-869-6860

BUDGET IMPACT

2017 SCAAP Grant & Departmental budget

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

The Sheriff's Office was awarded a \$23,455 grant from the 2017 State Criminal Alien Assistance Program (SCAAP) by the federal Bureau of Justice. This award has been designated to upgrade the audio visual equipment in the training room at the Sheriff's Office. This room is used by correctional officers for in-service training and Detention Officer Certification Course (DOCC) School.

The Sheriff's Office requests sole source approval to purchase two Smart Boards from Unified Technology Services. This request is based on inadequate competition and standardization and compatibility. After multiple attempts to secure bids from various vendors, only one vendor responded. Unified Technology Systems has been used by Gaston County for over 19 years and they have installed equipment at the Sheriff's Office in the past. Purchasing from this vendor will ensure the installation is compatible with existing wiring and equipment. The cost of the Smart Boards (\$24,958) exceeds the grant award. The remaining balance (\$1,503) will be purchased with departmental funds. Approval of this Board Action authorizes staff to proceed with the sole source purchase from Unified Technology Systems.

POLICY IMPACT

N/A

ATTACHMENTS

Sole Source Letter

Sheriff
Alan Cloninger
Gaston County



Main # 704-869-6800
Fax # 704-869-6845
P.O. Box 1578
425 Dr. Martin Luther King
Jr. Way
Gastonia, NC 28053

www.gastoncountysheriffsoffice.com

April 2, 2019

To Whom It May Concern:

The Sheriff's Office requests an exception to bid the purchase of two Smart Boards, per Uniform Guidance *Inadequate Competition*. Multiple attempts have been made to secure three bids, but have been unsuccessful. Only one vendor, Unified Technology Systems, has responded. Unified Technology Systems has been used by Gaston County for over 19 years for the installation of various audio/visual equipment. In 2008, they installed equipment in the two training rooms at the Sheriff's Office. They are familiar with the room layout, wiring, and design. It is for these reasons that we request an exception due to lack of competition as well as standardization and compatibility. Purchasing from this vendor will ensure the installation will be compatible with the existing wiring and equipment.

If you have any further questions, please feel free to contact me at 704 869-6808.

Sincerely,

Captain Joseph Clemmer
Gaston County Sheriff's Office



Gaston County

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Veterans Services

Board Action

File #: 19-207

Commissioner Keigher - Veterans Services - To Accept and Appropriate North Carolina Department of Military and Veterans Affairs Grant Funds to the Gaston County Department of Veterans Services **(100% Grant Funds - \$2,217)**

STAFF CONTACT

Kurt Geske - Administrator - Veterans Services - 704-866-3692

BUDGET IMPACT

Appropriate State Revenues. No additional County funds.

BUDGET ORDINANCE IMPACT

Increase State revenues by \$2,217 and appropriate \$2,217 into Gaston County Department of Veterans Services Special Programs account.

BACKGROUND

The State of North Carolina Department of Military and Veterans Affairs has made a distribution of grant funds to those North Carolina Counties which: (1) Fund and operate a County Veterans Services Office, and (2) Submitted a timely application for a portion of the available funds. Gaston County applied for a share of the grant funds and provided the necessary documentation to the NCDMVA, the application was accepted, and on or about April 1, 2019, \$2,216.40 was directly deposited into Gaston County's account.

POLICY IMPACT

N/A

ATTACHMENTS

Budget Change Request

GASTON COUNTY BUDGET CHANGE REQUEST

TO: Earl Mathers COUNTY MANAGER

FROM: 5820 Veterans Services
Dept. # Department Name

Kurt Geske 5/3/2019
Department Director's Name Date

TYPE OF REQUEST:

☐ Line Item Transfer Within Department & Fund

☐ Line Item Transfer Between Funds *

☐ Project Transfer Within Department & Fund

☒ Additional Appropriation of Funds *

☐ Line Item Transfer Between Departments*

* Requires resolution by the Board of Commissioners

ACCOUNT DESCRIPTION (As it appears in the budget)	ACCOUNT NUMBER	AMOUNT
	Fund - Function - Dept - Division - Object - Project	Whole Dollars Only
	xxx - xx - xxxx - xxxx - xxxxx - xxxxxx	(See Note Below)
Restricted Intergov't Rev/ Veteran Service: State	010-05-5820-0000-425056	[\$2,217]
VSO Veterans State Matching Funds	010-05-5820-0000-56000-16280	\$2,217

JUSTIFICATION FOR REQUEST:

Appropriation of \$2,217 grant from the North Carolina Department of Military and Veterans Affairs to Gaston County Department of Veterans Services, for VSO's use "as needed" (i.e., expenditures = discretion of Gaston County VSO).

Note: Decreases in expenditures & increases in revenue accounts require brackets. Increases in expenditures & decreases in revenue do not require brackets. Please note that transfers between funds require interfund transfer accounts.



Gaston County

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Board of Commissioners

Board Action

File #: 19-234

ADDED/ Commissioner Philbeck - BOC - To Revise the Gaston County Board of Commissioners' Regular Meeting Schedule for June, 2019

STAFF CONTACT

Donna S. Buff - Clerk to the Board - 704-866-3196

BACKGROUND

N/A

ATTACHMENTS

Resolution



RESOLUTION TITLE: TO REVISE THE GASTON COUNTY BOARD OF COMMISSIONERS' (BOC) REGULAR MEETING SCHEDULE FOR JUNE

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby cancels its June 11, 2019 BOC Work Session.

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

102B

A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS



Gaston County

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Planning Board Action

File #: 19-203

Commissioner Philbeck - Planning & Development Services - Zoning Map Change: Z19-06 Locust Investments LLC (Applicant); Property Parcels: 165874 and 226902, Located at 1168 Miles Rd., Dallas, NC, Rezone from the (R-1) Single Family Limited Zoning District to the (C-1) Light Commercial Zoning District

STAFF CONTACT

David L. Williams - Planning Director - 704-866-3473

BACKGROUND

Chapter 5 of the Unified Development Ordinance requires a public hearing by the Planning Board and Commission, with recommendation by the Planning Board prior to consideration for final action by the Commission. Locust Investments LLC (Applicant); Rezone Parcels: 165874 and 226902 from the (R-1) Single Family Limited Zoning District to the (C-1) Light Commercial Zoning District. A joint public hearing was advertised and held on May 28, 2019 with the Public Hearing comments being on file in the Board of Commission Clerk's Office. Planning Board recommendation was provided on the same date, and the Commission is requested to consider the public hearing comment, Planning Board recommendation and other pertinent information, then (approve), (disapprove) or (modify) the map change.

ATTACHMENTS

Resolution - Z19-06; Maps Z19-06



RESOLUTION TITLE: ZONING MAP CHANGE: Z19-06 LOCUST INVESTMENTS LLC (APPLICANT); PROPERTY PARCELS: 165874 AND 226902, LOCATED AT 1168 MILES RD., DALLAS, NC, REZONE FROM THE (R-1) SINGLE FAMILY LIMITED ZONING DISTRICT TO THE (C-1) LIGHT COMMERCIAL ZONING DISTRICT

WHEREAS, a County Zoning ordinance was adopted on April 24, 2008 and a joint public hearing held on May 28, 2019 by the County Commission and the Planning Board, to take citizen comment into a map change application, as follows:

Tax Parcel Number(s): 165874, 226902
Applicant: Locust Investments LLC
Owner(s): Locust Investments LLC
Property Location: 1168 Miles Rd.
Request: Rezone Parcels 165874 and 226902 from the (R-1) Single Family Limited Zoning District to the (C-1) Light Commercial Zoning District

public hearing comments are on file in the Commission Clerk's Office as a part of the minutes of the meeting; and,

WHEREAS, the Planning Board recommended **(approval)** or **(not approval)** of the map change for parcels: 165874 and 226902, located at 1168 Miles Rd., Dallas, NC, from the (R-1) Single Family Limited Zoning District to the (C-1) Light Commercial Zoning District on May 28, 2019 based on: the public hearing comment, staff recommendation, and the request is in **(accordance with)** or **(not in accordance with)** the County's Comprehensive Plan.

Motion:	Second:	Vote:
Aye:		
Nay:		
Absent:		
Abstain:		

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

Zoning Map Change: Z19-06 Locust Investments LLC (Applicant); Property Parcels: 165874 and 226902, Located at 1168 Miles Rd., Dallas, NC, Rezone from the (R-1) Single Family Zoning District to the (C-1) Light Commercial Zoning District
Page 2

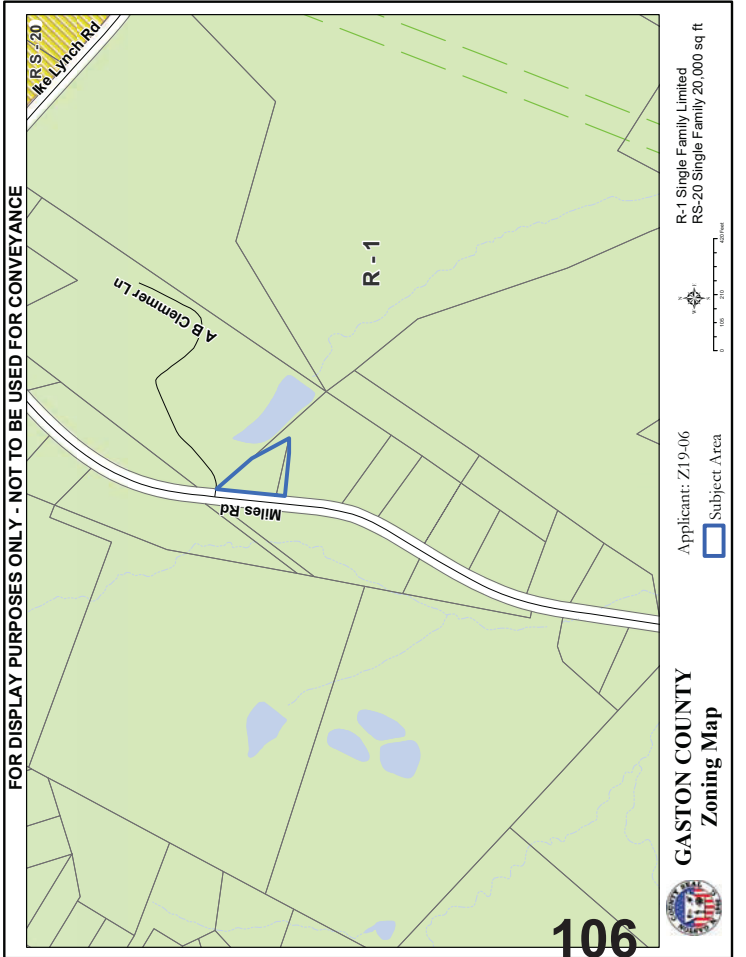
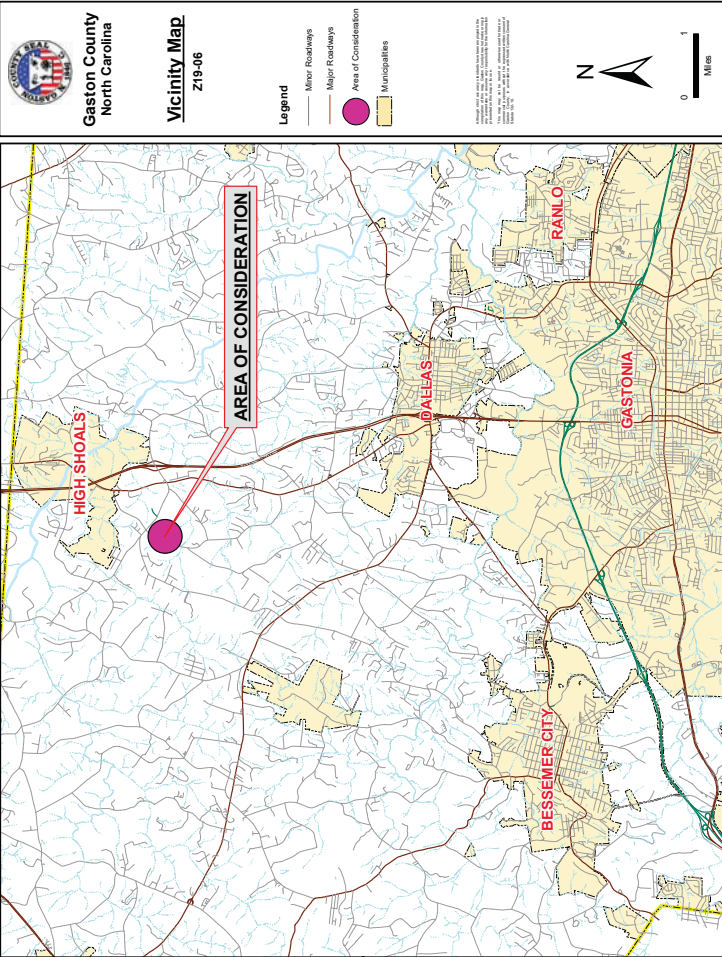
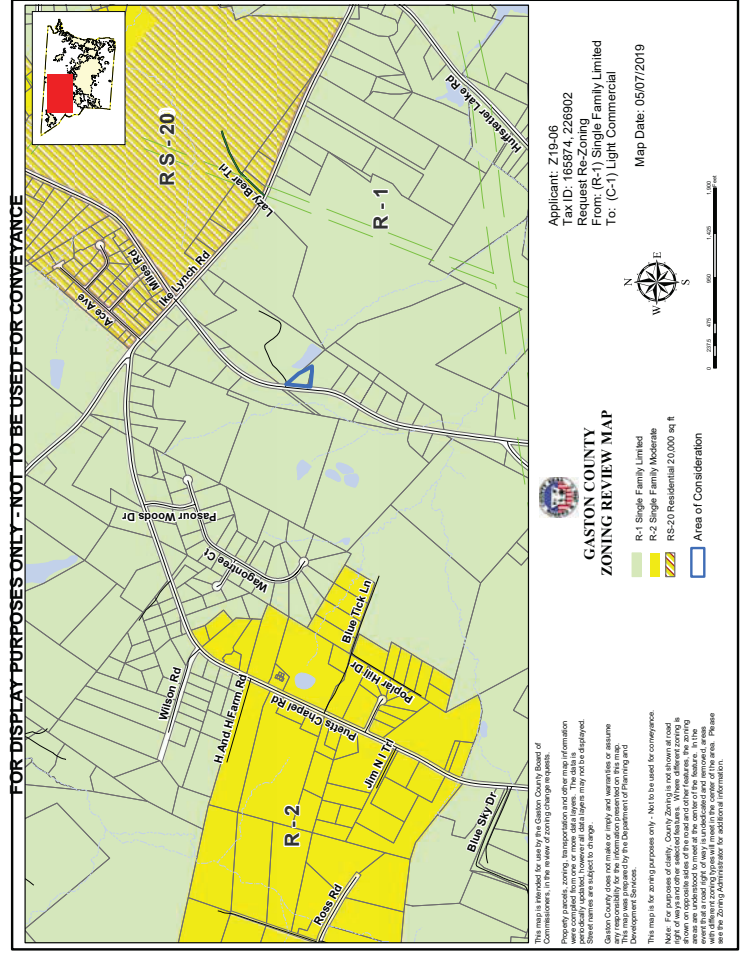
NOW, THEREFORE, BE IT RESOLVED by the County Commission that after consideration of the map change application, public hearing comment and Planning Board recommendation:

- 1) The map change request (**is consistent**) or (**is not consistent**) with the County's approved Comprehensive Plan and the Commission considers this action to be (**reasonable**) or (**not reasonable**) and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Property parcels: 165874 and 226902, be (**approved**) or (**disapproved**), effective with the passage of this Resolution.
- 2) The County Manager is authorized to make necessary notifications in this matter to appropriate parties.

Tracy L. Philbeck, Chairman
Gaston County Board of Commissioners

Attest:

Donna S. Buff, Clerk to the Board





Planning Board Action

File #: 19-204

Commissioner Chad Brown - Planning & Development Services - Zoning Text Amendments: ZTA19-01, Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 2 (Definitions): Table 2.7-1; Chapter 13 (Subdivision Regulations): Section 13.2(C), Table 13.8-1; Chapter 5 (Permit and Modification Procedures): Section 5.16.1(A)(4), 5.16.1(B)(2), 5.16.1(C); Chapter 8 (Supplemental Regulations): Section 8.2.14.1(A)

STAFF CONTACT

David L. Williams - Director of Planning - 704-866-3473

BACKGROUND

The Unified Development Ordinance (approved April 24, 2008), sets forth procedures for amendment procedures in Chapter 5, requiring a joint public hearing by the Planning Board and Commission. A recommendation on the amendments is provided by the Planning Board, with final action on said amendments by the Commission, to consider text amendments to Application Number ZTA19-01 Gaston County Planning Board (Applicant), requests the Board of Commission to consider proposed text amendments to the Unified Development Ordinance (UDO): Chapter 2 (Definitions): Table 2.7-1; Chapter 13 (Subdivision Regulations): Section 13.2(C), Table 13.8-1; Chapter 5 (Permit and Modification Procedures): Section 5.16.1(A)(4), 5.16.1(B)(2), 5.16.1(C); Chapter 8 (Supplemental Regulations): Section 8.2.14.1(A). A joint public hearing was advertised for and held on May 28, 2019 with the Public Hearing comments being on file in the Board of Commission Clerk's Office. Planning Board recommendation was provided on the same date, and the Commission is requested to consider the public hearing comment, Planning Board recommendation and other pertinent information, then (approve), (disapprove) or (modify) the zoning text amendments. The proposed amendments reflect minor clarification of existing procedures and changes to the submittal process for Subdivisions and Conditional Use Districts. The Planning Board reviewed the amendments at its last regular Planning Board meeting (04/23/2019) and unanimously recommended to move them to the public hearing process.

ATTACHMENTS

Resolution - ZTA19-01; Zoning Text Amendments - ZTA19-01



RESOLUTION TITLE: ZONING TEXT AMENDMENTS: ZTA19-01 GASTON COUNTY PLANNING BOARD (APPLICANT); TO CONSIDER PROPOSED TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO): CHAPTER 2 (DEFINITIONS): TABLE 2.7-1; CHAPTER 13 (SUBDIVISION REGULATIONS): SECTION 13.2(C), TABLE 13.8-1; CHAPTER 5 (PERMIT AND MODIFICATION PROCEDURES): SECTION 5.16.1(A)(4), 5.16.1(B)(2), 5.16.1(C); CHAPTER 8 (SUPPLEMENTAL REGULATIONS): SECTION 8.2.14.1(A)

WHEREAS, the County Ordinance (approved April 24, 2008), sets forth Amendment procedures in Chapter 5, requiring a joint Public Hearing by the Planning Board and Commission, with said hearing being conducted May 28, 2019 to take public comment (comments are on file in the Commission Clerk's Office as a part of the minutes of the meetings); and,

WHEREAS, the Text Amendments are requested by the Gaston County Planning Board as the amendments relate to minor modifications and changes to the UDO; and,

WHEREAS, the Gaston County Planning Board met during its special meeting in April and reviewed proposed text amendments and approved a recommendation to move the proposed amendments to the Public Hearing format for the Board of Commissioners consideration; and,

WHEREAS, to amend UDO Chapter 2 (Definitions): Table 2.7-1; Chapter 13 (Subdivision Regulations): Section 13.2(C), Table 13.8-1; Chapter 5 (Permit and Modification Procedures): Section 5.16.1(A)(4), 5.16.1(B)(2), 5.16.1(C); Chapter 8 (Supplemental Regulations): Section 8.2.14.1(A); and,

WHEREAS, the Planning Board provided recommendation for **(approval)** or **(not approval)** of said amendments during a public hearing on May 28, 2019, as follows:

Motion:

Second:

Vote:

Aye:

Nay:

Absent:

Abstain:

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

Zoning Text Amendments: ZTA19-01 Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 2 (Definitions): Table 2.7-1; Chapter 13 (Subdivision Regulations): Section 13.2(C), Table 13.8-1; Chapter 5 (Permit and Modification Procedures): Section 5.16.1(A)(4), 5.16.1(B)(2), 5.16.1(C); Chapter 8 (Supplemental Regulations): Section 8.2.14.1(A)
Page 2

NOW, THEREFORE, BE IT RESOLVED that after consideration of the proposed amendments, public hearing comment and Planning Board recommendation, the County Commissioners **(approves)** or **(does not approve)** the amendments to amend UDO Chapter 2 (Definitions): Table 2.7-1; Chapter 13 (Subdivision Regulations): Section 13.2(C), Table 13.8-1; Chapter 5 (Permit and Modification Procedures): Section 5.16.1(A)(4), 5.16.1(B)(2), 5.16.1(C); Chapter 8 (Supplemental Regulations): Section 8.2.14.1(A).

Certification

I, Donna S. Buff, Clerk to the Gaston County Board of Commissioners, do hereby certify that the above is a true and accurate copy of the Zoning Text Amendments: ZTA19-01 Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO) Chapters 2, 13, 5 and 8 (*Attached*), as adopted by the Board of Commissioners on May 28, 2019.

Donna S. Buff, Clerk

SEAL



PROPOSED TEXT AMENDMENTS – PUBLIC HEARING – May 2019
Highlighted italics = additions; strikeouts = deletions

TABLE 2.7-1 DEFINED TERMS		
Term	Use Table Subcategory*	Definition
Subdivision, Major1		A Major Subdivision consisting up to two hundred fifty <i>(250) fifty (50) lots.</i>
Subdivision, Major2		A Major Subdivision consisting of more than two hundred fifty <i>(250) fifty (50) lots.</i>
Subdivision, Minor		A subdivision where (i) no new streets (public or private) are proposed; and (ii) where no more than five (5) <i>lots</i> will result after the subdivision is completed and (iii) where no extension of any sewer or water system is required.



PROPOSED TEXT AMENDMENTS – PUBLIC HEARING – May 2019

Highlighted italics = additions; strikeouts = deletions

SECTION 13.2 ACTIVITIES THAT CONSTITUTE A SUBDIVISION

- A. For purposes of this Ordinance, “subdivision” means all division of a tract or parcel of land into two (2) or more lots, building sites, or the divisions when those divisions are created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following activities do not constitute a subdivision and are expressly exempt from the design and improvement standards of this Chapter:
1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in this Ordinance;
 2. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
 3. The public acquisition by purchase of strips of land for the express purpose of widening or opening of streets;
 4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the County as required by this Ordinance.
- B. However, all exempt subdivisions shall be approved via issuance of the following Exemption Certificate by the Administrator prior to the recording of same with Gaston County.

Exemption Certificate

I hereby certify that this subdivision of land is exempt in accordance with Chapter 13.2A(1,2,3,4) of the Gaston County Unified Development Ordinance, and may be recorded with the Gaston County Register of Deeds Office.

Administrator

Date

- C. *It is the County's intent to ensure that larger developments are not phased or*



subdivided into large adjoining parcels or tracts in order to comply with numerical requirements of this Ordinance. Two (2) or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development when they are determined to be part of a unified plan of development and are physically proximate to one another. The following factors will be considered to determine whether there is a unified plan of development:

1. There is unified ownership, indicated by the fact the same person has retained or shared control of the developments; the same person has ownership or a significant legal or equitable interest in the developments; or there is common management of the developments controlling the form of physical development or disposition of parcels of the development.
2. There is a reasonable closeness in time between the completion of eighty (80) percent or less of one (1) development and the submissions to the County of a master plan or series of plans or drawings for the other development that is indicative of a common development effort.
3. The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments.
4. There is a common advertising scheme or promotional plan in effect for the developments.
5. Any information provided by the applicant that the project is not being phased or subdivided to avoid requirements of this Ordinance.



PROPOSED TEXT AMENDMENTS – PUBLIC HEARING – May 2019
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Table 13.8-1 Subdivision Approval Procedures

	Description	Pre-Design Conference	Public Hearing	Preliminary Plat	Final Plat
Minor	<p>(1) no new streets (public or private) are proposed; and</p> <p>(2) where no more than five (5) lots will result after the subdivision is completed; and</p> <p>(3) where no extension of any sewer or water system is required.</p>	Recommended		Administrative Review	Administrative Review
Major1	<p>(1) new streets (public or private) are proposed; or</p> <p>(2) where more than five (5) lots up to two hundred fifty <i>(250) fifty (50)</i> lots will result after the subdivision is completed; or</p> <p>(3) where extension of any sewer or water system is required.</p>	Required	Not Required. Note: A notice shall be sent to the adjoining property owners by the County.	TRC Recommend, Planning Board Approval	Administrative Review
Major2	<p>(1) new streets (public or private) are proposed; and /or</p> <p>(2) where more than two hundred fifty <i>(~250) fifty (50)</i> lots will result after the subdivision is completed; and/or</p> <p>(3) where extension of any sewer or water system is required.</p>	Required	Required – Recommend by Planning Board, Approval by Board of Commissioners	TRC Recommend, Planning Board Approval	Administrative Review



PROPOSED TEXT AMENDMENTS – PUBLIC HEARING – May 2019
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5.16.1 ZONING MAP AMENDMENTS- CONDITIONAL USE DISTRICTS (CD)

A. Application

1. Petitioning for a CD zoning district is a voluntary procedure and can be initiated only by the owner(s) of the property (ies) in question or by his/her authorized agent. Every application for the rezoning of property to a CD district shall be accompanied by a site plan, drawn to scale containing all of the information outlined in Section 5.11.2 (B) of this Ordinance. The Administrator shall schedule a meeting with the applicant, prior to any public information meeting (PIM) being advertised and/or held to review the rezoning application and site plan to make sure that it meets, at a minimum, all minimum requirements of this Ordinance.
2. No application shall be considered complete unless it is accompanied by a fee, in accordance with a fee schedule approved by the governing board for the submittal of an application for rezoning to a CD district. Said fee shall be waived for any application submitted by any official or agency acting on behalf of the Gaston County or the State of North Carolina
3. The Administrator may require the petitioner to submit more than one (1) copy of the rezoning application in order to have enough copies available to circulate to other government agencies for review and comment. When dealing with the conditional zoning district process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Board or Board of Commission may request additional information as they deem necessary.
4. The deadline for submittal shall be ~~ninety (90)~~ **forty five (45) working** days prior to the public hearing meeting with the Planning Board and Board of Commissioners.

B. Public Information Meeting

1. Once the complete application has been submitted to the Administrator and fees paid prior to the public hearing on the



rezoning request, two (2) Public Information Meetings (PIMs) shall be scheduled and held. Such meetings shall occur prior to any recommendation by the Planning Board and approval by the Board of Commission. The PIM is designed to provide a framework for creating a shared vision with community involvement directed by the applicant in accordance with the following requirements:

- a. The applicant shall provide an agenda, schedule, location, and list of participants such as landscape architects, engineers, etc. to answer questions from citizens and service providers for the PIMs in cooperation with the Administrator.
- b. It is recommended that the first PIM last 2-4 hours, depending on the nature of the proposed development and its location. A minimum of one (1) hour should be scheduled during normal business hours to allow service providers and other public agencies (such as public works officials, NCDOT, NCDENR, QNRC, etc) to participate as needed and to allow for citizens to drop in at a convenient time throughout the period. It is recommended (but not mandated) that this portion of the PIM take place at the proposed development site.

In addition, a second one (1) hour minimum PIM should be scheduled at a conveniently located meeting site agreed upon by the applicant and the Administrator.

A PIM may last for different amounts of time, depending on the nature of the development, its location, and the number of parties involved and/or attending the meeting.

- c. Notice of the PIM shall at a minimum, be given as follows:
 - i. A public notice shall be sent by the applicant to a newspaper having general circulation in the County not less than ten (10) days nor more than twenty-five (25) days prior to the date of the PIM.
 - ii. A notice shall be sent by first class mail by the applicant to the owners of all properties that lie within two hundred (200) feet as measured



from the exterior boundaries of the proposed development.

The applicant shall furnish the County with a list of the mailing labels that depict the names and addresses of the owners of all properties within the said two hundred (200) foot area. Such notice shall be sent not less than ten (10) days prior to the date of the PIM. The notification shall contain information regarding the PIM time and location(s) as well as a general description of the proposal.

- iii. With respect to Subsection ii above, the applicant shall provide to the County proof of the paper notice and mailings.
- iv. A PIM notification sign shall be posted by County in a conspicuous place at the property not less than ten (10) days prior to the PIM. The sign shall indicate date, time, and location(s) of the PIM. In lieu of any or all of this information to be contained on this posted notice, the notice may give a phone number where interested parties may call during normal business hours to get further information on the PIM.
- d. The Administrator will keep notes of comments received during the PIM. A summary of the comments made shall be included in any staff report prepared by the Administrator relative to the rezoning request.

- 2. Following the PIM, the applicant shall have the opportunity to make changes to the application to take into account information and comments received. One (1) or more revised copies of the application shall be submitted to the Administrator for review. No additional fee shall be required to be paid for making such changes provided the Administrator receives the revised application within ~~thirty~~ **(30) seven (7)** days following the PIM. If a revised application is not received during said ~~thirty~~ **(30) seven (7)** day period, the Administrator shall review the original application submitted.

C. Administrator Approval



The Administrator shall have up to ~~thirty (30)~~ **seven (7)** days following any revision of the application to make comments. If the Administrator forwards no comments to the applicant by the end of any such ~~thirty (30)~~ **seven (7)** day period, the application shall be submitted to the Planning Board for their review without any further comment.

D. Plans and Other Information to Accompany Petition

1. Every application for the rezoning of property to a CD district requires a site plan, drawn to scale containing all of the information outlined in Section 5.11.2(B) of this Ordinance.
2. Other information as required by the Administrator relative to the rezoning request.

E. Public Hearing Notification Requirements

1. Before any property is rezoned to a CD district, the Planning Board shall have had an opportunity to review and make a recommendation on the application. Such Planning Board review shall take place after the PIMs are completed and a joint Public Hearing has been held by the Planning Board and the Board of Commissioners. Notification of the Public Hearing shall be as follows:
 - a. A notice shall be published in a newspaper having general circulation in Gaston County once a week, for two successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the joint public hearing.
 - b. A notice of the proposed zoning map change shall be sent by first class mail by the Administrator at least ten (10) days prior to the public hearing to the applicant and owners of all adjacent properties as indicated on the most up-to-date records of the Gaston County Tax Department.
 - c. The Administrator shall post at least one notice on the site proposed for rezoning or an adjacent public street or highway right-of-way at least ten (10) days prior to the Planning Board/Board of Commissioners' public hearing. Where multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the County shall



post sufficient notices to provide reasonable notice to interested persons. Such notice shall state the nature of the public hearing and its date, time, and location at which it is to be held. The notice shall be removed only after final action has been taken on the matter. In lieu of any or all of this information to be contained on this posted notice, the notice may give a phone number where interested parties may call during normal business hours to get further information on the conditional use permit requested

2. Any public hearing notice published or mailed shall state the nature of the public hearing, the date, time, and place at which the hearing is to occur, and who to call and/or visit for more information.

F. Planning Board Review

The Planning Board shall have at least thirty (30) days to make a recommendation on the proposed change, said thirty (30) days being measured from the date of the closing of the joint Planning Board / Board of Commissioners public hearing. Any such Planning Board recommendation shall be accompanied by statements that address: (i) whether the proposed amendment is consistent with any comprehensive plan that has been adopted by the governing board and any other officially adopted plan that is applicable, and (ii) other matters that the Planning Board deems appropriate and (iii) why it considers the action taken to be reasonable and in the public interest. If a recommendation is not made during said time period, the application shall be forwarded to the Board of Commissioners without a recommendation.

G. Action by County Board of Commissioners

A decision pertaining to Conditional zoning districts is a legislative process subject to judicial review using the same procedures and standard of review as applied to general use district zoning decisions. Once the public hearing has been held, the Board of Commission shall take action on the petition. The public hearing, once opened, can be continued to a later date and action take at that time. The Board of Commission shall have the authority to:

1. Approve the application as submitted.
2. Deny approval of the application
3. Approve the application with modifications that are mutually agreed to by the applicant and the Board of Commission.



Such conditions shall be in compliance with Subsection F herein.

4. Submit the application to the Planning Board for further study. The Planning Board shall have up to thirty (30) days from the date of such submission to make a report to the Board of Commission. If no report is issued, the governing board can take final action on the petition. The governing board reserves the right to schedule and advertise a new public hearing based on the Planning Board's report.

H. Conditions for Approval of Petition

In approving a petition for the reclassification of a property to a CD district, the Planning Board may recommend, and the Board of Commission may require that reasonable and appropriate conditions be attached to approval of the petition. Such conditions shall be limited to those that address the conformance of the development and use of the site to County ordinances and officially adopted Comprehensive Land Use Plan or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Commission. In no instance shall any of these conditions be less restrictive than any requirements that would otherwise pertain to that particular development if it were located in a general or parallel conditional use zoning district. Such conditions may exceed any performance criteria or minimum requirements listed elsewhere in this Ordinance that pertain to that development: (i) analyze whether the rezoning is consistent with an adopted comprehensive plan and any other officially adopted plan, and (ii) other matters that the Board of Commission deems appropriate and (iii) why it considers the action taken to be reasonable and in the public interest shall be prepared and accompany each final decision relative to the CD rezoning request

I. Effect of Approval; Zoning Map Designation

If a petition for a CD district is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's zoning classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Zoning Map. Following the approval of the petition for a CD district, the subject property shall be identified on the Zoning Map by the



appropriate district designation preceded by the letters CD (i.e., CD-R-1.) The Administrator may make minor changes (per Section 5.16.4(l)(2) to the approved site plan administratively without necessitating a need to rezone the property to a different conditional district classification.

J. Application Submission Period

Any completed application submitted shall be heard by the appropriate Board for approval within one hundred-eighty (180) days from the date of submittal. After the expiration of an application, a new application may be submitted following the current regulations in place at the time of the new application submittal.

SECTION 5.17 CHANGES TO THE ORDINANCE TEXT

5.17.1 AUTHORITY

Upon compliance with the provisions of this Chapter, the Board of Commission shall have the authority to amend the text of this Ordinance.

5.17.2 INITIATION OF A TEXT AMENDMENT

Any proposed amendment to the text of this Ordinance may be initiated by the governing board, Planning Board, by any owner of a legal or equitable interest in a piece of property located within the geographical boundaries of this Ordinance, by a local government agency, or by any other person in accordance with the procedures set forth herein.

5.17.3 FILING OF PETITIONS; DETERMINATION OF COMPLETENESS

Any petition to amend the text of this Ordinance shall be made using an application form prescribed by the Administrator and accompanied by a fee in accordance with a fee schedule adopted by the Board of Commission. Said application form, signed by the applicant and accompanied by the requisite fee shall be filed with the Administrator. Said application fee shall be waived for any petition submitted by any official or agency acting on behalf of the Gaston County or the State of North Carolina. No application shall otherwise be considered complete unless accompanied at the time of submittal by said fee. The completed application shall contain, among other things, a reference to the specific section, subsection, paragraph or item proposed for change, as well as the wording of the proposed change, and the reasons therefore.



5.17.4 SUBMITTAL AND NOTIFICATION REQUIREMENTS

- A. In order for an amendment to the text of this Ordinance to be made by the Board of Commissioners, the Planning Board shall have had an opportunity to review and make a recommendation on the application. Such Planning Board review shall take place after a joint public hearing held by the Planning Board and the Board of Commissioners. Any complete application shall be submitted to the Administrator at least twenty-eight (28) working days prior to the public hearing. Notification of the public hearing shall be published in a newspaper having general circulation in Gaston County once a week, for two successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the joint public hearing.
- B. Any public hearing notice published shall state the nature of the public hearing(s), the date, time, and place at which the hearing(s) is to occur, and who to call and/or see for more information.

5.17.5 PLANNING BOARD ACTION

- A. Once the joint Planning Board / Board of Commission public hearing has been concluded, the Planning Board shall have thirty (30) days from the date the public hearing was completed to make a written recommendation to the Board of Commissioners. If a recommendation is not made during said time period, the application shall be forwarded to the governing board without a recommendation from the Planning Board. Statements that: (i) analyze whether the amendment is consistent with an adopted comprehensive plan and any other officially adopted plan, and (ii) other matters that the Planning Board deems appropriate and (iii) why it considers the action taken to be reasonable and in the public interest shall be prepared and accompany each recommendation relative to the text amendment request.
- B. A Planning Board recommendation shall be in one of the following manners:
 - 1. Grant the amendment as requested; or
 - 2. Grant the amendment with changes as (recommended) (made); or
 - 3. Reject the amendment.



5.17.6 Governing Board Action

Once the joint public hearing has been conducted and (i) the Planning Board has submitted its recommendation or (ii) the thirty (30) day Planning Board review period has expired, whichever comes first, the Board of Commissioners shall render a decision on the petition. The decision of the Board of Commissioners shall be in the form of any of the various options listed in Section 5.17.5 above. Statements that: (i) analyze whether the amendment is consistent with an adopted comprehensive plan and any other officially adopted plan, and (ii) other matters that the Board of Commission deems appropriate and (iii) why it considers the action taken to be reasonable and in the public interest shall be prepared and accompany each final decision relative to the text amendment request. Furthermore, the Board of Commissioners shall have the authority to make additional amendments to the text change request, based on the proceedings of the public hearing so long as such changes are in keeping with the spirit and intent of the originally requested amendment. Alternately, the Board of Commissioners may send the application back to the Planning Board for further study and consideration. **(NOTE:** Such resubmittal by the Board of Commissioners to the Planning Board may occur not more than one (1) time for any text amendment request.) If a resubmittal to the Planning Board occurs, the Planning Board shall hear the case and have an additional thirty (30) day period (from the date of re-referral by the Board of Commissioners) to resubmit a recommendation to the Board of Commissioners.



PROPOSED TEXT AMENDMENTS – PUBLIC HEARING – May 2019

Highlighted italics = additions; strikeouts = deletions

8.2.14.1 CAMPING AND RECREATIONAL VEHICLE PARK

- A. All spaces for camping and recreational vehicles shall be located at least one-hundred (100) linear feet from any adjoining lot line. *Where the lot line adjoins a public road right-of-way or street, the spaces shall be located at least fifty (50) linear feet from the property line.*
- B. Notwithstanding any other screening requirements, the campground shall be sufficiently wooded to provide an opaque natural buffer between the campground, all adjacent lots, and all adjacent public roads at the time a certificate of occupancy is issued for the use.
- C. Accessory uses, limited to usage by campground patrons, may include laundry facilities and the selling of convenience items (snacks, beverages, etc.).



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Planning Board Action

File #: 19-205

Commissioner Philbeck - Planning & Development Services - Zoning Text Amendment: ZTA19-02 Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 2 (Definitions): Table 2.7-1; Chapter 8 (Supplemental Use Regulations): Section 8.1.8(G)

STAFF CONTACT

David L. Williams - Planning Director - 704-866-3473

BACKGROUND

The Unified Development Ordinance (approved April 24, 2008), sets forth procedures for amendment procedures in Chapter 5, requiring a joint public hearing by the Planning Board and Commission. A recommendation on the amendments is provided by the Planning Board, with final action on said amendments by the Commission, to consider text amendments to Application Number ZTA19-02 Gaston County Planning Board (Applicant), to request the Board of Commission to consider approval of the proposed text amendments to the UDO: Chapter 2 (Definitions): Table 2.7-1; Chapter 8 (Supplemental Use Regulations): Section 8.1.8(G). A joint public hearing was advertised for and held on May 28, 2019 with the Public Hearing comments being on file in the Board of Commission Clerk's Office. Planning Board recommendation was provided on the same date, and the Commission is requested to consider the public hearing comment, Planning Board recommendation and other pertinent information, then (approve), (disapprove) or (modify) the zoning text amendments. The proposed amendments introduce the addition of Small Houses, also known as Tiny Homes, under the Manufactured Home Park Supplemental Use Regulations section of the UDO. The Planning Board reviewed the amendments at its last regular Planning Board meeting (04/23/2019) and unanimously recommended to move them to the public hearing process.

ATTACHMENTS

Resolution - ZTA19-02; Zoning Text Amendments - ZTA19-02



RESOLUTION TITLE: ZONING TEXT AMENDMENT: ZTA19-02, GASTON COUNTY PLANNING BOARD (APPLICANT); TO CONSIDER PROPOSED TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO): CHAPTER 2 (DEFINITIONS): TABLE 2.7-1; CHAPTER 8 (SUPPLEMENTAL USE REGULATIONS): SECTION 8.1.8(G)

WHEREAS, the County Ordinance (approved April 24, 2008), sets forth Amendment procedures in Chapter 5, requiring a joint Public Hearing by the Planning Board and Commission, with said hearing being conducted May 28, 2019 to take public comment (comments are on file in the Commission Clerk's Office as a part of the minutes of the meetings); and,

WHEREAS, the Text Amendments are requested by the Gaston County Planning Board as the amendments relate to minor modifications and changes to the UDO; and,

WHEREAS, the Gaston County Planning Board met during its special meeting in April and reviewed proposed text amendments and approved a recommendation to move the proposed amendments to the Public Hearing format for the Board of Commissioners consideration; and,

WHEREAS, to amend UDO Chapter 2 (Definitions): Table 2.7-1; Chapter 8 (Supplemental Use Regulations): Section 8.1.8(G); and,

WHEREAS, the Planning Board provided recommendation for **(approval)** or **(not approval)** of said amendments during a public hearing on May 28, 2019, as follows:

Motion:

Second:

Vote:

Aye:

Nay:

Absent:

Abstain:

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

Zoning Text Amendment: ZTA19-02, Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 2 (Definitions): Table 2.7-1; Chapter 8 (Supplemental Use Regulations): Section 8.1.8(G)
Page 2

NOW, THEREFORE, BE IT RESOLVED that after consideration of the proposed amendments, public hearing comment and Planning Board recommendation, the County Commissioners **(approves)** or **(does not approve)** the amendments to amend UDO Chapter 2 (Definitions): Table 2.7-1; Chapter 8 (Supplemental Use Regulations): Section 8.1.8(G).

Certification

I, Donna S. Buff, Clerk to the Gaston County Board of Commissioners, do hereby certify that the above, as filed with the Clerk to the Board, is a true and accurate copy of the text amendment entitled **Zoning Text Amendment: ZTA19-02, Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 2 (Definitions): Table 2.7-1; Chapter 8 (Supplemental Use Regulations): Section 8.1.8(G)** (Attached), as adopted by the Board of Commissioners on May 28, 2019 and is to be set forth in the Gaston County Unified Development Ordinance (UDO) upon adoption.




Donna S. Buff, Clerk to the Board

SEAL



PROPOSED TEXT AMENDMENTS – PUBLIC HEARING – May 2019

Highlighted italics = additions; strikeouts = deletions

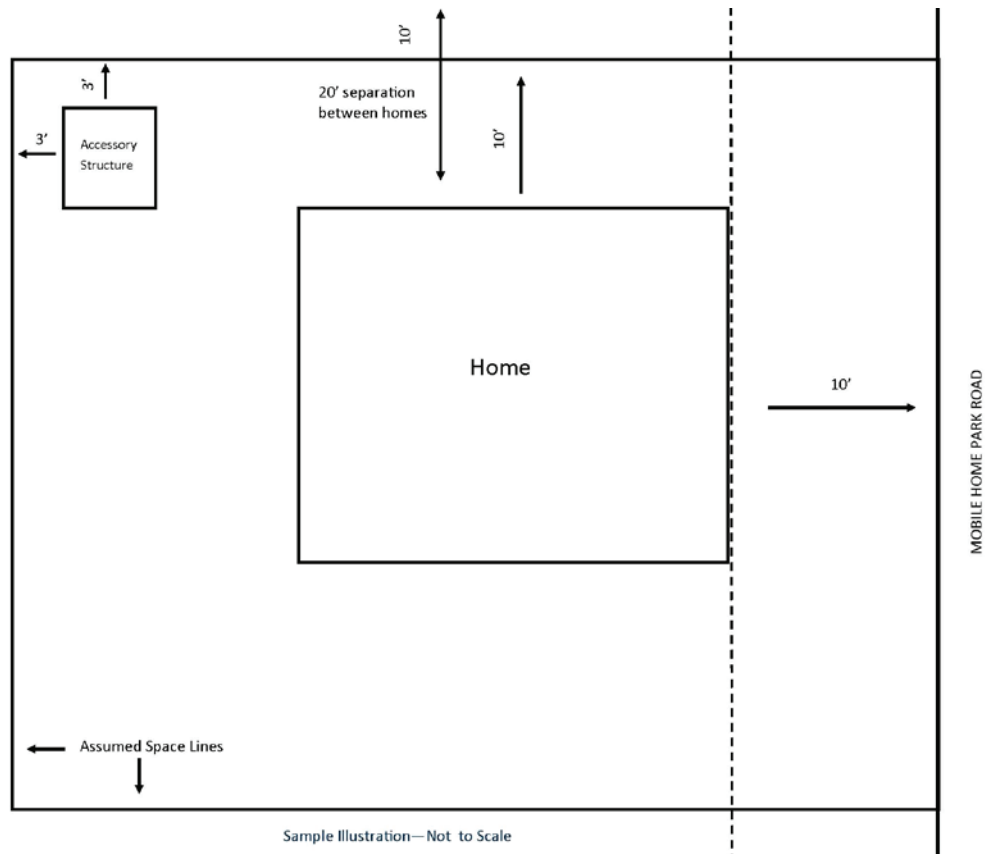
TABLE 2.7-1 DEFINED TERMS		
Term	Use Table Subcategory	Definition
Dwelling, Single-family Attached	*	<p>A single-family dwelling that is connected by means of a common dividing structure or load-bearing wall, or by means of a floor-to-ceiling connection, of at least ten (10) linear feet, to one (1) or more other single-family dwellings.</p> 
Dwelling, Single-family Detached	Residential	<p>A detached building designed for or occupied exclusively by one (1) family, but not to include manufactured homes as defined by this Ordinance.</p> 
<i>Dwelling, Small House</i>		<p>A “Dwelling, Single-family Detached”, also known as “tiny homes” or “tiny houses”, per these definitions, that is a minimum of three-hundred twenty (320) square feet (or as allowed by the NC State Building Codes) and is constructed or assembled onsite, meeting applicable NC State Building Code requirements.</p> 



PROPOSED TEXT AMENDMENTS – PUBLIC HEARING – May 2019
Highlighted italics = additions; strikeouts = deletions

8.1.8 MANUFACTURED HOME PARK

- A. A manufactured home located in a manufactured home park that existed on the effective date of this Ordinance may be replaced.
- B. Said replacement manufactured home may be placed on a preexisting manufactured home space provided that the front, side, and rear setbacks for the manufactured home that existed prior to the replacement of the manufactured are not reduced.
- C. Manufactured homes shall be in compliance with all other applicable local and state codes.
- D. In no instance shall a manufactured home park that existed on the effective date of this Ordinance be allowed to expand (i.e., increase in the number of manufactured home spaces) subsequent to the adoption of this Ordinance.
- E. In no instance shall any new manufactured home parks be created after the effective date of this Ordinance.
- F. Refer to Chapter 14 for Manufactured Home Park regulations.
- G. *Owners of existing Manufactured Home Parks may request to remove and replace an existing manufactured home unit or utilize a pre-existing manufactured home space for the placement of a Small House, as defined in Chapter 2.*
 - a. *The park owner may voluntarily request a conversion for one (1) or all of the existing spaces on a case-by-case basis. It is understood that this conversion process will need to be flexible due to the wide range of conforming and non-conforming Manufactured Home Parks in the County. No new spaces shall be created in this process. In no case shall this section of this ordinance supersede any other local, state or federal laws or guidelines such as NC Building Code, Environmental Health regulations or HUD standards, etc.*
 - b. *The park owner shall submit the following to be considered for a small home lot(s) conversion:*
 - 1. *Space(s): A scaled drawing of the existing space(s) to be considered and the adjoining spaces or outside park boundary showing distances to any lot lines, existing structure, utilities including septic, carports, accessory buildings and interior roads.*



2. *Dwelling Standards: The proposed conversion space shall have a maximum dimension of the allowable home site and if one (1) or two (2) story with the total allowable heated square feet. Dwellings shall be a minimum of three-hundred twenty (320) square feet (or as otherwise allowed by NC State Building Code) and a maximum of eight-hundred (800) square feet in size. All dwellings shall be constructed and/or assembled onsite and must meet all applicable NC State Building Code requirements.*
3. *Roadway and Parking: Detail information on the existing and proposed roadway and parking space (19' x 9') improvements. Any portion of the Manufactured Home Park proposed for conversion shall improve the interior road up to a minimum standard as specified in the NCDOT "Minimum Construction Standards", including paving.*
4. *Any fees as required by Gaston County.*
5. *Proposed converted spaces shall adhere to the following: A ten (10) foot building separation from the assumed interior space line and/or twenty (20) foot separation between dwelling units (excluding carports, accessory structures or porches).*



6. Carports: Carports and/or porches shall be no closer than three (3) feet from the assumed line. No carport enclosures shall be allowed.
 7. Accessory Buildings: Limited to one (1) and shall be no closer than three (3) feet from the assumed space line, six (6) feet to the nearest adjoining space accessory building or carport and no larger than fifty (50) percent of the heated area of the dwelling.
 8. The proposed dwelling shall be no closer than ten (10) feet from the front interior road and ten (10) feet to the rear assumed space line. In no case shall the setbacks be less than required in this Chapter for structures to the outside lot boundaries.
 9. Parking spaces (9' x 19'): Minimum of two (2) onsite when counting one (1) in the carport, consisting of a hard surface material (such as asphalt paving or bituminous surface treatment (BST) paving) on a well compacted sub-base, shall be provided for each home space.
 10. Mitigation of any existing Manufactured Home Park deficiencies that may preexist.
 11. No subdivision of the Manufactured Home Park shall be allowed unless it meets all the requirements of Chapter 13 of this Ordinance.
- c. The Zoning Administrator and Planning Director or designee shall have thirty (30) days from the date of application to consider approval following a written recommendation of the Chief Building Inspector, Environmental Health Supervisor, and the Fire Marshal or their individual departmental designee. Approval or denial shall be submitted in writing to the application and/or park owner. Approval expires one (1) year from date of approval unless extended by the issuance of a valid building permit on a per lot basis.



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Sheriff's Office

Board Action

File #: 19-215

Commissioner Worley - Sheriff's Office - Appropriation of Additional Funds to House Inmates Out of County for March & April 2019 **(\$35,768)**

STAFF CONTACT

Alan Cloninger - Sheriff - 704-869-6860

BUDGET IMPACT

Appropriation from Fund Balance

BUDGET ORDINANCE IMPACT

Appropriate from Fund Balance \$35,768

BACKGROUND

The jail population for March and April 2019 exceeded operational capacity (526) daily. As a result, inmates were shipped to the following counties: Mecklenburg, Polk, and Transylvania. Inmates were housed between 1-30 days. The total cost for March and April is \$35,768. The Sheriff's Office does not have funds allocated for this expense. It is our expectation that additional inmates will have to be shipped until the population subsides or the jail expansion is fulfilled.

POLICY IMPACT

N/A

ATTACHMENTS

Budget Change Request and Housing Invoices

GASTON COUNTY BUDGET CHANGE REQUEST

TO: Earl Mathers COUNTY MANAGER

FROM: 4315 SHERIFF'S OFFICE

Dept. # Department Name

Sheriff Alan Cloninger 5/10/2019

Department Director's Name Date

TYPE OF REQUEST:

☐ Line Item Transfer Within Department & Fund

☐ Line Item Transfer Between Funds *

☐ Project Transfer Within Department & Fund

☒ Additional Appropriation of Funds *

☐ Line Item Transfer Between Departments*

* Requires resolution by the Board of Commissioners

ACCOUNT DESCRIPTION (As it appears in the budget)	ACCOUNT NUMBER	AMOUNT
	Fund - Function - Dept - Division - Object - Project	Whole Dollars Only
	xxx - xx - xxxx - xxxx - xxxxx - xxxxxx	(See Note Below)
FUND BALANCE APPROPRIATED	010-99-9900-0000-490000	{35,768}
INMATES HOUSED OUT OF COUNTY	010-02-4315-4323-530015-18126	35,768

JUSTIFICATION FOR REQUEST:

The jail population for March and April 2019 exceeded operational capacity (526) daily. As a result, inmates were shipped to the following counties: Mecklenburg, Polk, and Transylvania. Inmates were housed between 1-30 days. The total cost for March and April is \$35,768. The Sheriff's Office does not have funds allocated for this expense. It is our expectation that additional inmates will have to be shipped until the population subsides or the jail expansion is fulfilled.

Note: Decreases in expenditures & increases in revenue accounts require brackets. Increases in expenditures & decreases in revenue do not require brackets. Please note that transfers between funds require interfund transfer accounts.



Mecklenburg County Sheriff's Office
Sheriff Garry L. McFadden

RECEIVED
APR 17 2019

Initials:
Aw

4-4-19

Bill To Gaston County Sheriff's Office
ATTN: Accounts Payable
425 Dr. Martin Luther King Jr.
Gastonia, NC 28052

Invoice Date: 4/3/2019
Invoice Number: SHF5607
Agreement Number:
Tax Identification #:
Payment Terms: Due Upon Receipt

Remit To Mecklenburg County Jail - North
5235 Spector Drive
Charlotte, NC 28269
704-336-8100

AMOUNT DUE: **\$8,720.00**

For Billing Questions, please contact Amy Montgomery at
Amy.Montgomery@mecklenburgcountync.gov or 980-314-5505

Services	Quantity	UOM	Unit Amount	Net Amount
Gaston County Billing	218.00	Days	\$40.00	\$8,720.00
March 2019				
TOTAL AMOUNT DUE:				\$8,720.00



Mecklenburg County Sheriff's Office
Sheriff Garry L. McFadden

Bill To Gaston County Sheriff's Office
ATTN: Accounts Payable
425 Dr. Martin Luther King Jr.
Gastonia, NC 28052

Invoice Date: 5/2/2019
Invoice Number: SHF5618
Agreement Number:
Tax Identification #:
Payment Terms: Due Upon Receipt

*5-2-19
ph*

Remit To Mecklenburg County Jail - North
5235 Spector Drive
Charlotte, NC 28269
704-336-8100

AMOUNT DUE: \$7,320.00

For Billing Questions, please contact Amy Montgomery at
Amy.Montgomery@mecklenburgcountync.gov or 980-314-5505

Services	Quantity	UOM	Unit Amount	Net Amount
Gaston County Billing	183.00	Days	\$40.00	\$7,320.00
April 2019				
TOTAL AMOUNT DUE:				\$7,320.00

Transylvania County Detention Center

153 Public Safety Way
Brevard, NC 28712

Agency Billing Report

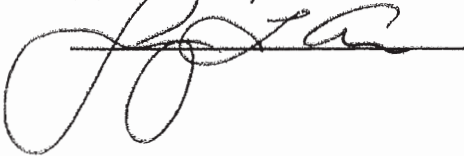
From: 03/01/2019 to 03/31/2019

RECEIVED
APR 09 2019
Initial: _____

Bill To: Gaston				Daily Rate:	\$40.00
Name	Booking ID	Admitted	Released	Billed Days	Amount
		03/16/2019	04/01/2019	16	\$640.00
		03/03/2019	03/16/2019	14	\$560.00
		02/24/2019	03/03/2019	3	\$120.00
		03/31/2019	04/05/2019	1	\$40.00
		01/19/2019	04/06/2019	31	\$1,240.00
		01/27/2019	03/03/2019	3	\$120.00
		03/22/2019		10	\$400.00
		03/16/2019	03/22/2019	7	\$280.00
		02/05/2019	03/16/2019	16	\$640.00
		02/09/2019	04/01/2019	31	\$1,240.00
		03/31/2019	04/06/2019	1	\$40.00
		02/24/2019	03/03/2019	3	\$120.00
		03/31/2019		1	\$40.00
		03/03/2019	04/01/2019	29	\$1,160.00
		03/03/2019	03/16/2019	14	\$560.00
		02/09/2019	03/03/2019	3	\$120.00
Totals:				183	\$7,320.00

Examined and certified correct this the

8TH Day of April, 20 19

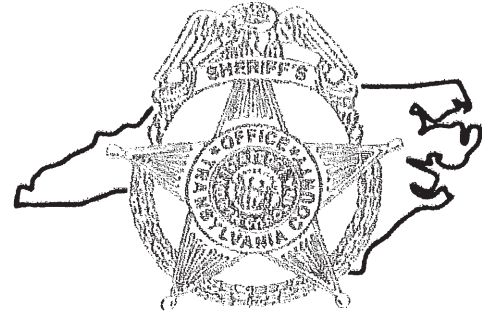


OFFICE OF THE SHERIFF

David A. Mahoney, Sheriff

TRANSLYVANIA COUNTY
153 PUBLIC SAFETY WAY
BREVARD, NC 28712

Telephone 828-884-3168
Fax 828-884-6890



RECEIVED

APR 09 2019

Initial: _____

April 9, 2019

Attached is an invoice for monthly medications for an inmate(s) that we housed for you in the Transylvania County Detention Center. Please remit payment to the Detention Center.

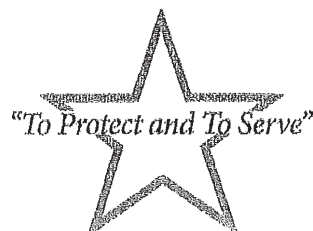
Medication	\$19.30
Medication	\$3.43
Medication	\$5.10
Total	\$ 27.83

Thank you,

Capt. Jeremy Queen

A handwritten signature in black ink, appearing to read "J. Queen", is written over the name of the Jail Administrator.

Jail Administrator



Transylvania County Detention Center

153 Public Safety Way
Brevard, NC 28712

Agency Billing Report

From: 04/01/2019 to 04/30/2019

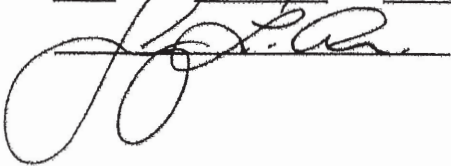
Bill To: Gaston

Daily Rate: \$40.00

Name	Booking ID	Admitted	Released	Billed Days	Amount
		03/16/2019	04/01/2019	1	\$40.00
		04/21/2019		10	\$400.00
		04/28/2019		3	\$120.00
		04/28/2019		3	\$120.00
		03/31/2019	04/05/2019	5	\$200.00
		01/19/2019	04/06/2019	6	\$240.00
		03/22/2019	04/14/2019	14	\$560.00
		04/28/2019		3	\$120.00
		04/28/2019		3	\$120.00
		04/28/2019		3	\$120.00
		02/09/2019	04/01/2019	1	\$40.00
		03/31/2019	04/06/2019	6	\$240.00
		04/28/2019		3	\$120.00
		04/28/2019		3	\$120.00
		04/21/2019	04/28/2019	8	\$320.00
		04/07/2019	04/28/2019	22	\$880.00
		04/21/2019	04/28/2019	8	\$320.00
		03/31/2019		30	\$1,200.00
		03/03/2019	04/01/2019	1	\$40.00
		04/06/2019	04/21/2019	16	\$640.00
		04/28/2019		3	\$120.00
Totals:				152	\$6,080.00

Examined and certified correct this the

1st Day of May, 20 19



Polk County Sheriff's Office

164 Government Complex Dr.

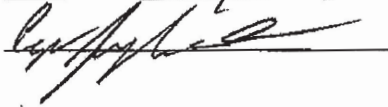
Columbus, NC 28722

Agency Billing Report

From: 04/01/2019 to 04/30/2019

Bill To: Gaston					Daily Rate: \$45.00
Name	Booking ID	Admitted	Released	Billed Days	Amount
		04/17/2019		14	\$630.00
		04/17/2019		14	\$630.00
		04/17/2019	04/27/2019	11	\$495.00
		04/17/2019	04/27/2019	11	\$495.00
		04/17/2019		14	\$630.00
		04/17/2019	04/27/2019	11	\$495.00
		04/28/2019		3	\$135.00
		04/17/2019		14	\$630.00
		04/17/2019		14	\$630.00
		04/17/2019		14	\$630.00
		04/28/2019		3	\$135.00
		04/28/2019		3	\$135.00
		04/17/2019		14	\$630.00
Totals:				140	\$6,300.00

Examined and certified correct this the

2nd Day of May, 20 19



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Board of Commissioners

Board Action

File #: 19-030

Appointment List - Current Expiring Terms/Vacant Positions

STAFF CONTACT

Donna S. Buff - Clerk to the Board - 704-866-3196

Appointment List

May 28, 2019

COMMISSIONER	BOARD	REPRESENTING	REASON	NAME	END DATE
<u>Full Board</u>					
	Full Board	Quality of Natural Resources Committee (QNRC)	Agriculture	Vacant	Vacancy/Richard "Ricky" Rhyne 10/31/2021
	Full Board	Quality of Natural Resources Committee (QNRC)	Land Conservation	Vacant	Vacancy/Robert Cloninger, III 10/31/2019
	Full Board	Quality of Natural Resources Committee (QNRC)	Health	Vacant	Vacancy/Steve Tracy 10/31/2019
	Full Board	Quality of Natural Resources Committee (QNRC)	Education	Vacant	Vacancy 10/31/2017
<u>Chad Brown</u>					
#7-CB		Council on Aging	Region F AAC Alternate	Ms. Shirley Wiggins	05/31/2019
#7-CB		Nursing Home Community Advisory Committee	NHA Appt.	Vacancy/Shirley Ferguson	11/30/2011
RB Twp.		Parks and Recreation Advisory Board	RB Twp.	Mr. Timothy S Payne	05/31/2019
#7-CB		Region F Aging Advisory Committee	Alternate	Ms. Shirley Wiggins	05/31/2019
#7-CB		Transportation Advisory Board (TAB)	Civic Organization	Vacancy/Mr. Randy Watson	10/31/2016
<u>Jack Brown</u>					
#1-JB		Adult Care Home Community Advisory Committee	Commission	Vacancy/Carl Baber	08/31/2018
#1-JB		Council on Aging	Region F AAC Delegate	Ms. June Jones	05/31/2019
#1-JB		Nursing Home Community Advisory Committee	NHA Appt.	Vacancy/Mr. Jonathan Fletcher	06/30/2018
#1-JB		Region F Aging Advisory Committee	At Large	Ms. June Jones	05/31/2019
#1-JB		Workforce Development Board	Public Sector - Education Institutions	Dr. Dennis McElhoo	05/31/2019

Legend: Vacant = Person does not wish to be reappointed or has resigned; Term Expiring = Commissioner may reappoint if appointee desires to continue serving; Appointment or Reappoint Recommended = Agency has requested action, if Commissioner desires to do so.
Full Board = Appointment is made with motion/second/vote from the Board.

Appointment List

May 28, 2019

COMMISSIONER	BOARD	REPRESENTING	REASON	NAME	END DATE
<u>Allen Fraley</u>					
#4-AF	Adult Care Home Community Advisory Committee	Commission	Term Expiring	Ms. Erin E. Barbee	04/30/2019
#4-AF	Adult Care Home Community Advisory Committee	Domiciliary Home Appt.	Vacant	Vacancy/Ms. Jane Patrick	01/31/2018
#4-AF	Family Advisory Board	Citizen At Large	Vacant	Vacancy/Frank Morehead	09/30/2021
CH Twp.	Parks and Recreation Advisory Board	CH Twp.	Term Expiring	Mr. Richard Franks	05/31/2019
CH Twp.	Parks and Recreation Advisory Board	CH Twp.	Term Expiring	Mr. Grover (Donnie) D Alexander Jr	05/31/2019
<u>Bob Hovis</u>					
#5-BH	Adult Care Home Community Advisory Committee	NHA Appt	Vacant	Vacancy/Mary Alice Brown	04/30/2019
#5-BH	Family Advisory Board	Ministerial	Vacant	Vacancy/Pastor Rick Ivey	04/30/2018
CM Twp.	Industrial Facilities and Pollution Control Financing Authority	CM Twp.	Vacant	Vacancy/Neil Styers	10/31/2018
CM Twp.	Parks and Recreation Advisory Board	CM Twp.	Term Expiring	Mr. Steven Amos	05/31/2019
#5-BH	Personnel Advisory Board	At Large (Personnel Field)	Vacant	Vacancy/Rachel Whitaker	03/31/2019
#5-BH	Transportation Advisory Board (TAB)	Local Elected Officials/Staff	Vacant	Vacancy/Donnie Loftis	10/31/2012
#5-BH	Transportation Advisory Board (TAB)	United Way of Gastonia	Vacant	Vacancy/Ms. Deborah Ally	10/31/2019
#5-BH	Workforce Development Board	Public Sector - EDC Agencies/Ex-Officio (Non-Voting) CE	Term Expiring	Mrs. Malissa Gordon	05/31/2019

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Appointment List

May 28, 2019

COMMISSIONER	BOARD	REPRESENTING	REASON	NAME	END DATE
<u>Tom Keigher</u>					
#6-TK	Adult Care Home Community Advisory Committee	NHA Appt	Vacant	Vacancy/Patricia (Patti) Lineberger	02/01/2017
#6-TK	Animal Care and Enforcement Advisory Board	Citizen At Large	Vacant	Vacancy/Steve Whitlow	01/31/2021
#6-TK	Nursing Home Community Advisory Committee	NHA Appt.	Vacant	Vacancy/Ms. Velda Robinson	06/30/2018
#6-TK	Nursing Home Community Advisory Committee	At Large	Vacant	Vacancy/Thomas Gillespie	03/31/2016
G Twp./TK	Parks and Recreation Advisory Board	G Twp./TK	Term Expiring	Mr. Scott Pagan	05/31/2019
G Twp./TK	Parks and Recreation Advisory Board	G Twp./TK	Term Expiring	Mr. Chad Duncan	05/31/2019
#6-TK	Transportation Advisory Board (TAB)	Vocational Rehabilitation	Vacant	Vacancy/Mr. Eric F. Davis	10/31/2020
#6-TK	Transportation Advisory Board (TAB)	Chamber of Commerce/Economic Development	Vacant	Vacancy/Commissioner Tom Keigher	05/31/2021
#6-TK	Transportation Advisory Board (TAB)	Local Elected Officials/Staff	Vacant	Vacancy/Don Grant	10/31/2020
G Twp./TK	Travel & Tourism Advisory Board	Citizen At Large	Vacant	Vacancy/Vann Noblett	05/01/2022
#6-TK	Workforce Development Board	Public Sector - Community Based Organization	Term Expiring	Ms. Linda McConnell	05/31/2019
<u>Tracy Philbeck</u>					
#2-TP	Council on Aging	Region F AAC Delegate	Vacant	Vacancy/Ms. Eleanor Beasley	05/31/2019
#2-TP	Juvenile Crime Prevention Council (JCPC)	United Way Rep./ Nonprofit Agency	Vacant	Vacancy/Cody Carpenter	06/30/2019
#2-TP	Juvenile Crime Prevention Council (JCPC)	Community Rep.	Vacant	Vacancy/Daniel Buckley	06/30/2019
#2-TP	Region F Aging Advisory Committee	At Large	Vacant	Vacancy/Ms. Eleanor C Beasley	05/31/2019
#2-TP	Transportation Advisory Board (TAB)	Private Citizen (Handicapped)	Vacant	Vacancy/Mr. Bill Dellinger, Jr.	10/31/2020
#2-TP	Workforce Development Board	Private Sector - Organized Labor	Term Expiring	Mr. Sandy Scott McAllister	05/31/2019
#2-TP	Workforce Development Board	Private Sector	Term Expiring	Mr. Scott D. Carter	05/31/2019

Legend: Vacant = Person does not wish to be reappointed or has resigned; Term Expiring = Commissioner may reappoint if appointee desires to continue serving; Appointment or Reappoint Recommended = Agency has requested action, if Commissioner desires to do so.
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Appointment List

May 28, 2019

COMMISSIONER	BOARD	REPRESENTING	REASON	NAME	END DATE
Ronnie Worley					
#3-RW	Adult Care Home Community Advisory Committee	Domiciliary Home Appt.	Vacant	Vacancy/Keith Hart	11/01/2016
#3-RW	Family Advisory Board	Dream Center	Vacant	Vacancy	12/31/2019
#3-RW	Family Advisory Board	Citizen At Large	Vacant	Vacancy/Ms. Arin W. Farmer	04/30/2021
#3-RW	Health and Human Services Board	Psychologist (PhD)	Vacant	Vacancy/Dr. Ann Navarro	06/30/2017
#3-RW	Juvenile Crime Prevention Council (JCPC)	Youth Rep.	Vacant	Vacancy/Mr. Dickson Reid Jentsch	06/30/2019
#3-RW	Nursing Home Community Advisory Committee	NHA Appt.	Vacant	Vacancy/Effie Locklear	06/30/2019
SP Twp.	Parks and Recreation Advisory Board	SP Twp.	Vacant	Vacancy	05/31/2019
#3-RW	SARA Local Planning Committee (LEPC)	Law Enforcement	Vacant	Vacancy/Mr. Randy Graham	12/31/2018

***NOTE:** Quality Natural Resources Committee- Positions Assigned to Full Board.
 Council on Aging - Appointee will automatically serve on the Home & Community Block Grant Advisory Committee
 Nursing Home Community Advisory Committee - Membership Prerequisites for new appointees should be cleared through
 Ruth Murphy (704) 862-7667

Legend: Vacant = Person does not wish to be reappointed or has resigned; Term Expiring = Commissioner may reappoint if appointee desires to continue serving;
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